

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9657 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. MUKESH KUMAR Son of Santosh Singh Resident of Village-Sagarpur Ghordiha, P.S.-Karaghar, District-Rohtas
2. Lav Kumar Son of Ramdeo Singh Resident of Village-Madhurampur, P.S.-Akorhi Gola, District-Rohtas
3. Rahul Kumar Son of Ramashish Singh Resident of Village-Karma Sukhari, P.S.-Sasaram, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rajani Kant Pandey, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 13-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Rajani Kant Pandey, learned counsel for the petitioners as well as Ms Meena Singh, learned APP for the State.

Petitioners seek bail in Excise Case No 55 of 2020



arising out of Kudra Police Station (for brevity, PS) Case No 15 of 2020 instituted for the offence punishable under Section 414 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

On 13.01.2020 when the informant police personnel learnt that huge quantity of liquor was being unloaded in the field in Village – Bastalawa from where members of the mafia were purchasing the same, they rushed to the field and from that place, huge quantity of liquor was recovered. The petitioners have been apprehended allegedly fleeing away in an unregistered *i* 20 vehicle.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent. Merely, on suspicion, they have been implicated, though they were bona fide passerby in their vehicle. Petitioners are in custody since 15.01.2020. No recovery of illicit liquor is alleged either from the petitioners' possession, or the vehicle in which they are alleged to have been travelling. They had actually gone to the village for attending a ceremony. The vehicle in question belongs to the petitioners.

The learned APP for the State opposed the prayer for bail submitting that the petitioners had gone to the village to



purchase the unloaded liquor for indulging in illicit trade of the same.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for bail.

Accordingly, let the petitioners, abovenamed, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Kaimur at Bhabua in Excise Case No 55 of 2020 arising out of Kudra PS Case No 15 of 2020 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall



remain suspended and the petitioners be released on executing and furnishing their personal bonds to the satisfaction of the Court concerned.

The petitioners must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioners will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Special Judge (Excise), Saran at Chapra and the competent authority of the State in terms of Clause 13 of Notice II published in the cause list uploaded on the Website of this Court.

(Madhuresh Prasad, J)

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