

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19319 of 2020

Arising Out of PS. Case No.-618 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Chandan Singh @ Mangal Singh, Son of Chandra Shekhar Singh @ Sukho Singh, Resident of Village-Imiyar, P.S.-Mufassil (Lakho), District-Begusarai.
 2. Ratan Singh, Son of Lakshmi Singh, Resident of Village-Imiyar, P.S.-Mufassil (Lakho), District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gouranga Chatterjee, Advocate
For the Opposite Party/s : Mr.Ajay Kumar 2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

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

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Begusarai Muffasil (Lakho) P.S. Case No.618 of 2018 instituted for the offence punishable under Sections 30(a) and 32 of the Bihar



Prohibition and Excise Act, 2016.

It is the case of the prosecution that a raid was conducted in the *Bhusaghar* of petitioner No.1 where from 210.9 litres of illicit liquor has been recovered. From the *Bhusaghar* of petitioner No.2, 87.48 litres of illicit liquor was seized.

Submission is that on such allegation, the petitioner Nos.1 and 2 are in custody since 27.01.2020 and 11.02.2020 respectively. Further submission is that the alleged recovery was in contravention of the mandatory procedure prescribed under Section 100 Cr.P.C.

Further submission is that the prosecution alleges recovery from *Bhusaghar* and not from the conscious possession or house of the petitioners. It is a case of false implication. The petitioners are said to be men of clean antecedents.

Learned APP for the State has opposed the prayer for bail.

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

Accordingly, let both the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Bihar Prohibition and Excise Act, Begusarai, in connection with Begusarai Muffasil (Lakho) P.S. Case No.618 of 2018, subject to the following conditions:

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

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

(Madhuresh Prasad, J)

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