

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16765 of 2020

Arising Out of PS. Case No.-820 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. MANJAY RAI @ MANJAY KUMAR Son of Munchun Rai Resident of Village - Khabra, P.S.- Sadar, District - Muzaffarpur.
 2. Amar Kumar @ Amar Rai Son of Nandji Rai Resident of Village - Basmatpur, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Sujata Sinha

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

3 20-10-2020

Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 272/273 of Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of huge quantity of foreign liquor from the Bathan of co-accused Pundeo Rai and from the orchard of late Jai Kishun Ojha, which is said to be allegedly kept by the petitioners.

It has been submitted on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this



case. It is further submitted on behalf of the petitioners that nothing was recovered from their possession or from their houses, as such, no offence under Excise Act is made out against them. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sadar P.S. Case No.820 / 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar



nature of offences, after their release on bail the trial court shall
take steps to cancel their bail bonds.

(S. Kumar, J)

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