

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17669 of 2020**

Arising Out of G.O. Case No.-61 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

-
1. Md. Parwej, aged about 20 years, (Male), Son of Md. Asghar @ Mohammad Asgar, Resident of Mohalla- Sibdhara, P.S.- L.N.M. University, District- Darbhanga.
 2. Md. Ulfat, aged about 21years, (Male), Son of Md. Illiyas, Resident of Mohalla- Lalbag Pani Tanki, Ward No. 11, P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 29-05-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Kalyan Shankar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners are in custody in connection with GO Case No. 61 of 2020 / PR Case No. 44 of 2020 dated 13.01.2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



4. The allegation against the petitioners is that they were caught from a tempo, from which, upon search, 254.100 litres of Nepali wine was recovered.

5. Learned counsel for the petitioners submitted that it was a tempo from which recovery was made and not from the conscious possession of the petitioners. It was further submitted that the petitioners have no other criminal antecedent and are in custody since 16.02.2020.

6. Learned APP submitted that the petitioners were also in the tempo and were caught while trying to run away and there has been recovery of 254.100 litres of liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ 2nd-cum-Special Judge, Excise Act, Darbhanga in GO Case No. 61 of 2020 / PR Case No. 44 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not



indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/ Anand Kr.

AFR/NAFR	
U	
T	

