

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19552 of 2020

Arising Out of PS. Case No.-72 Year-2020 Thana- KHAIRA District- Saran

1. Gauri Shankar Sah, age 48 years, S/o Late Ram Dev Sah, Resident of Village- Khodaibagh, P.S.- Khaira, Dist- Saran.
2. Sonu Kumar, age 21 years, S/o Gauri Shankar Sah, Resident of Village- Khodaibagh, P.S.- Khaira, Distt- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Dhananjay Mishra, Advocate.
For the Opposite Party : Mrs. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioners seek bail in a case for the offence registered under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 65.880 liters wine is said to have been recovered.

It has been submitted by learned counsel for the



petitioners that the petitioners are languishing in custody since 09.03.2020. The petitioners have got no criminal antecedent. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 65.880 liters wine is recovered from the backside of joint house of the petitioners where other family members also reside. Except for this, there is no recovery of any incriminating article from possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, let the petitioners above named, be released on bail on their personal bond to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Khaira P.S. Case No. 72 of 2020.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

(Sudhir Singh, J)

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