

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19553 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- LAUKAHA District- Madhubani

1. BAUKU SAH Son of Late Roop Lal Sah Resident of Village-Bhojuaha, P.S.-Laukha, District-Madhubani.
2. Bijli Sah Son of Roop Lal Sah Resident of Village-Bhojuaha, P.S.-Laukha, District-Madhubani.
3. Om Prakash Sahu Son of Rajendra Sah Resident of Village-Bhojuaha, P.S.-Laukha, District-Madhubani.
4. Jibachh Sah Son of Rajendra Sah Resident of Village-Bhojuaha, P.S.-Laukha, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

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

The petitioners seek regular bail in connection with Laukha PS case no. 56 of 2020 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 40.5 liters



of illicit liquor from a motorcycle belonging to the co-accused namely Manish Kumar and 144 liters of Nepali Kasturi liquor from the earth where the accused persons are stated to have thrown the bag containing the said Nepali Kasturi wine and had fled away, however upon chase, they were apprehended and amongst them are the petitioners herein.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The petitioners are said to be languishing in custody since 05.03.2020. It is further submitted that no illicit liquor has been recovered from the conscious possession of the petitioner and moreover, the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list.

The learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners as also taking into account the fact that no illicit liquor has been recovered from the conscious possession of the petitioners and the petitioners are having clean antecedent as also are languishing in custody since 05.03.2020,



the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Laukaha PS case no. 56 of 2020.

(Mohit Kumar Shah, J)

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