

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26052 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- SURYAGARHA District- Lakhisarai

1. BHAGLA SADA S/o Late Aitwari Sada Residence of Village-Repujra Musahri, P.S.-(Manikpur O.P) Suryagadha, District-Lakhisarai.
2. Gopal Kumar S/o Late Govind Mahto @ Shiv Govind Mahto Residence of Village-Konipar Sonajan, P.S.-(Manikpur O.P) Suryagadha, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr. Ravindra Kumar, APP

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.)

2 20-10-2020

Heard learned counsel for the parties.

The petitioner apprehends their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise Prohibition (Amendment) Act, 2018.

Allegation is recovery of 10 litres of country-made liquor from mustard field of Surendra Mahto and it is further alleged that petitioners are indulged in trade of illegal wine.

It has been submitted on behalf of the petitioners that petitioner are innocent and have falsely been implicated in this case. It is further submitted that neither petitioners were apprehended on the spot nor anything was recovered from their



conscious possession rather the same was recovered from the field of Surendra Mahto as such no case under excise act is made out against them.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Surajgarha (Manikpur) P.S. Case No. 38 of 2020 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) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take



steps to cancel his bail bond.

(S. Kumar, J)

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