

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22003 of 2020

Arising Out of PS. Case No.-194 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. CHUNNU DAS Son of Nandu Das Resident of Village - Harpur Kalan ward no. 6, P.S.- Mejarganj, District - Sitamarhi
 2. Satyendra Patel @ Satyendra Rai Son of Late Nageshwar Patel Resident of Village - Harpur Kalan ward no. 6, P.S.- Mejarganj, District - Sitamarhi
 3. Bhola Kumar Son of Sanjay Rai @ Sanjay Patel Resident of Village - Harpur Kalan ward no. 6, P.S.- Mejarganj, District - Sitamarhi
 4. Amar Rai Son of Samanand Rai Resident of Village - Harpur Kalan ward no. 6, P.S.- Mejarganj, District - Sitamarhi

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr. Balmukund Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-07-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

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

Petitioners seek bail in Case No. C2 – 194 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

Having no criminal antecedent it is submitted by the petitioners' Counsel that they are in custody since 14.3.2020 for alleged recovery of 1720 bottles from the nine persons, including the petitioners, while crossing over Nepal border. It is submitted by the learned Counsel for the petitioners that it is a case of false implication. It is submitted that from the statement of co-



accused persons it is clear that they were allegedly carrying 120 bottles each, however total quantity amongst nine persons has been stated to be 1720 bottles in the seizure list. The same is glaring proof of coercion and false implication.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Sitamarhi Case No. C2 – 194 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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