

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23551 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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1. Vicky Kumar, S/O Nathuni Sah Rai, R/O Village - Govindpur Singhara, P.S. - Mahua, District - Vaishali.
 2. Dheeraj Kumar, S/O Bhuneshwar Das @ Muneshwar Das, R/O Village - Panapur Silautha, P.S. - Jandaha, District - Vaishali.
 3. Amar Kumar, S/O Rakesh Mahto, R/O Village - Near BSNL Golamber, P.S. - Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-09-2020 Since 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 APP for the State.

The petitioners seek bail in connection with Industrial Area P.S. Case No.19 of 2020 instituted for the offence



punishable under Section 414 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Acting on some confidential information that co-accused Santosh Kumar has taken on rent some premises for storing and trading the illicit liquor, the police force have reached the place. From behind the premises which was taken on rent in the godown, 1100 litres IMFL was recovered. Co-accused Santosh Kumar and the three petitioners are alleged to have been apprehended at the place. Santosh Kumar, the tenant, has stated that these three petitioners were working for him and living in the premises in connection with the work.

It is submitted by the petitioners' counsel that the statement regarding moving for grant of bail in Industrial Area P.S. Case No.5 of 2019 stated in paragraph 13 of the instant petition is a typographical error. The petitioners have no criminal antecedents. They have no concern with the recovery as they were *bond fide* workers for the motorcycles repair shop of Santosh Kumar. The petitioners are in custody since 19.02.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is



inclined to allow petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-Cum-Excise Court, Vaishali at Hajipur, in connection with Industrial Area P.S. Case No.19 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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 they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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