

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23531 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

1. AMRITA DEVI W/o Yogendra Prasad Kushwaha Resident of Kushwaha Lane, Rahul Nagar, P.S.- Brahampura, Distt- Muzaffarpur.
2. Kunal Kumar @ Kunal Bhagat S/o Yogendra Prasad Kushwaha Resident of Kushwaha Lane, Rahul Nagar, P.S.- Brahampura, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh Sr. Adv with Mr.Bhaskar Shankar Adv.

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by



office when called upon.

The petitioners seek bail in Brampura P. S. Case No. 132 of 2020 instituted for the offence under Section(s) 272, 273 Indian Penal Code and Section 30(a)/36/52/53 of the Bihar Prohibition and Excise Act.

325.08 liters of illicit liquor is alleged to have been recovered from a room built of bamboo sticks, 50 feet away from the petitioner's no.2 house.

It is submitted that the recovery, even as per the prosecution case, is not from the house of the petitioners. Petitioner no.1 has been implicated only because she happens to be mother of petitioner no.2 though there is no criminal antecedents of petitioner no.1. Petitioner no.2 bears a criminal antecedents. However, he is on bail in Brahampura P.S. Case no. 366 of 2018. In this case they are in custody since 11.6.2020.

The learned APP opposed the prayer for bail.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Spl. Judge, Excise Act, Muzaffarpur, in connection with Brampura P.S. Case no. 132 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 petitioners. 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 they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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