

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29056 of 2020

Arising Out of PS. Case No.-226 Year-2020 Thana- KATEYA District- Gopalganj

1. RAJAN KUMAR @ RAJAN CHAUHAN @ RAJAN MAHTO Son of Ramprit Chauhan Resident of Village- Sahpur Pakadiyar, P.S.- Gopalpur, District- Gopalganj.
2. Hemant Kumar @ Hemant Chauhan Son of Late Shri Kishun Chauhan Resident of Village- Sahpur Pakadiyar, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Sanjana, Advocate
For the Opposite Party/s : Mr Shailendra Kr I, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 11-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels 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 counsel for the petitioners.

Mr Shailendra Kumar I, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioners seek bail in Kateya Police Station (for



brevity, *PS*) Case No 226 of 2020 dated 16.07.2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Both the petitioners are alleged to be moving on a motorcycle from which 45 liters of illicit liquor is alleged to have been recovered.

Petitioners' counsel submits that it is a case of false implication. He denies and disputes the recovery and submits that the same is not under requisite procedure prescribed under the Criminal Procedure Code. It is further submitted that having no criminal antecedent, petitioners are in custody since 17.07.2020.

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

Considering the rival submissions, subject to fulfillment of the undertaking given by the petitioners' counsel on behalf of the petitioners, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Gopalganj, in Kateya PS Case No 226 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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