

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30395 of 2020

Arising Out of PS. Case No.-234 Year-2019 Thana- GOGRI District- Khagaria

1. Mukesh Singh, Son of Rameshwar Singh, Resident of Village-Haripur Police Station Gogri, District Khagaria.
2. Lalu Singh, Son of Late Bramhdev Singh, Resident of Village-Haripur Police Station Gogri, District Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan, Advocate

For the Opposite Party/s : Mr. Ashlam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-12-2020 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 Gogri P.S. Case No.234 of 2019 arising out of G.R. No.2005 of 2019 registered for the offence punishable under Section 30(a) of the



Bihar Prohibition and Excise Act, 2016.

From two different places, there are alleged recoveries of 200.80 litres and 36 litres of illicit liquor allegedly stored by the petitioners and other co-accused persons for its illegal trade.

Petitioners' counsel submits that the petitioners have no criminal antecedents and recovery is from the joint family property and therefore, they have falsely been implicated in this case. They are in custody since 01.07.2020 and other co-accused has been allowed bail in Cr.Misc. No.57160 of 2019.

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

Considering the rival submissions, this Court is inclined to allow the 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 learned Special Judge, Excise, Khagaria, in connection with Gogri P.S. Case No.234 of 2019 arising out of G.R. No.2005 of 2019, 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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