

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30412 of 2020

Arising Out of PS. Case No.-103 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. Gajendar Sah @ Gajend Sah @ Gajendra Sah, Son of Radhe Sah, Resident of Village - Rampur Purnvas, Ward No. 6, P.S. and District - Supaul.
2. Mustaque, Son of Mustakim, Resident of Village and P.S.- Bhusi, District - Allahabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-12-2020 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 Mohammadpur P.S. Case No.103 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition



and Excise Act, 2016.

792.15 litres illicit liquor is alleged to have been recovered from a water tanker attached to a tractor from where the petitioners have been arrested.

Petitioners' counsel submits that the recovery is from elsewhere and the petitioners have falsely been implicated in this case. They are in custody since 02.06.2020. Recovery is not in accordance with law and there is no forensic opinion to support the allegation that the recovered substance being intoxicant liquor. Petitioners bear no criminal antecedents.

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 Additional District & Sessions Judge-2nd -Cum-Special Judge, Excise, Gopalganj, in connection with Mohammadpur P.S. Case No.103 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)

PNM

U		T	
---	--	---	--

