

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31812 of 2020

Arising Out of PS. Case No.-152 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. Sunit aged about 30 years (M) son of Bhan Singh Resident of Village - Bhaini Chandra Pal, P.S. - Maham, District - Rohtak (Hariyana).
 2. Navin Kumar aged about 28 years (M) son of Ram Kumar Resident of Village - Jasiya, P.S. - Rohtak, District - Rohtak (Hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Dumariyaghat P.S. Case No. 152 of 2020 dated 24.08.2020, instituted under Sections 272/273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners and another co-



accused is that from the Honda City Car in which they were travelling, 133.875 liters of foreign liquor was recovered.

5. Learned counsel for the petitioners submitted that they were only passengers in the car of which co-accused Rahul Dagar was the driver and owner of the vehicle, who arrested along with the petitioners on the same day, has been granted bail on 07.12.2020 in Cr. Misc. No. 32328 of 2020 by a co-ordinate Bench. Learned counsel submitted that the petitioners are residents of Haryana having clean antecedent are in custody since 25.08.2020.

6. Learned APP submitted that the petitioners were also on the Honda City Car from which recovery of liquor has been made. However, he did not controvert that in the FIR itself co-accused Rahul Dagar has admitted that the car belongs to him and he had bought it from another person and he also had papers in this regard.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the 7th Additional Sessions Judge cum Special Judge, Excise, East Champaran at



Motihari, in connection with Dumariyaghat PS Case No. 152 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall co-operate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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