

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80551 of 2019

Arising Out of PS. Case No.-307 Year-2019 Thana- DESARI District- Vaishali

1. Mantu Singh @ Balbant Singh Age 40 years, Gender-Male, Son of Late Lal Singh @ Late Anil Kumar Singh Resident of Village - Khoksa Buzurg, P.S.- Desari, District - Vaishali
2. Sunny Singh Age 24 years, Gender Male, Son of Bhallu Singh @ Sunil Kumar Singh @ Suneel Kumar Singh Resident of Village - Khoksa Buzurg, P.S.- Desari, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur with Ms. Babita Kumari, Mr. Shashank Shekhar and Mr. Pravin Kumar, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-01-2020

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

2. The petitioners seek bail in Desari PS Case No.
307 of 2019 dated 03.09.2019 instituted under Sections 30 (a)
(f) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioners and others
is of dealing in illicit liquor as 3583.08 litres of Indian made
foreign liquor is said to have been recovered from the orchard
of petitioner no. 1.

4. Learned counsel for the petitioners submitted



that the recovery has not been made from the conscious possession of the petitioners and it was the open orchard of petitioner no. 1 from which recovery has been made of which he was not aware. It was submitted that had he been dealing in business he would not have kept the liquor in his own premises being aware of the law. Learned counsel further submitted that even with regard to petitioner no. 2, only on suspicion that he was also involved in the business of illegal liquor trade he has been arrested. Learned counsel submitted that the petitioners are in custody since 14.10.2019.

5. Learned APP submitted that the liquor has been seized from the orchard belonging to petitioner no. 1 and petitioner no. 2 is also involved in such business.

6. 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 learned Additional Sessions Judge-II-cum- Special Judge (Excise Act), Vaishali at Hajipur in Desari PS Case No. 307 of 2019. One of the bailors shall be a close relative of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of



the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate 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.

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

(Ahsanuddin Amanullah, J)

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