

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 83475 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- MAHKAR District- Gaya

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1. BABLU KUMAR Son of Sunil Singh Resident of Village - Khushiyaipur, P.S.- Mahkar, Distt - Gaya (Bihar)
 2. Ashok Kumar Son of Late Bhagwat Singh Resident of Village - Khushiyaipur, P.S.- Mahkar, Distt - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 14-01-2020 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Mahkar Police Station (for brevity, *PS*) Case No 81 of 2019 instituted for the offence punishable under Section (s) 341, 342, 353/34 of Indian Penal Code and Section 37 (2) of Bihar Prohibition and Excise (Amendment) Act, 2018/Bihar Prohibition and Excise Act, 2016.

On allegation of having been caught in drunken stage, petitioners, having no criminal antecedent, are in custody since 16.11.2019 as per submissions made by learned counsel for the petitioners. It is submitted that it is a case of false implication.



Petitioner No 1 is a Constable of Border Security Force and the implication is because he objected to stopping of motorcycle on frivolous grounds by the local police.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, 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 Special Judge, Excise, Gaya in connection with Mahkar PS Case No 81 of 2019 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.

(Madhuresh Prasad, J)

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