

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13133 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Kumar Vijay aged about 29 years, male, Son of Late Upendra Narayan Mahto Resident of Village - Patla, Ward no.14, P.S.- Khodamanpur (O.P. Dhaurahi), Distt.- Begusarai.
 2. Md. Ruhullaha, aged about 23 years, Male, Son of Md. Nurul Haque Resident of - Mahe Singhia , P.S.- Singhia, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

4. The petitioners seek bail in CI Case No. 180 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

5. The petitioners have been apprehended from a pick-up van, from which, there is alleged recovery of 439.200 litres of illicit liquor.

6. The learned counsel for the petitioners submits that



petitioner no.1 was the Assistant driver whereas the petitioner no.2 was the cleaner of the vehicle in-question. The main driver had asked them to take the vehicle back in the morning as the goods were to be unloaded in the night. Oblivious of the contents on the vehicle, they obliged by rendering their services. They have, thus, become victim of the circumstances. They are having no criminal antecedents and are in custody since 10.10.2020.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Special Judge (Excise Act),Purnia**, in connection with **C-1 Case No. 180 of 2020**, 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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