

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14931 of 2021**

Arising Out of PS. Case No.-316 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Raja Yadav, S/O Late Laxmi Yadav, R/O Village Bishunpura Bazar, P.S. Sidhwaliya, District Gopalganj
 2. Mithilesh Manjhi, S/O Late Iswar Manjhi, R/O Village Bishunpura Bazar, P.S. Sidhwaliya, District Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 14-09-2021 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 Excise Case No.316 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

On the alleged recovery of 01.080 litres illicit



foreign liquor from Petitioner No.1 kept in a bag, petitioner No.1 has been implicated in this case. Petitioner No.2 was allegedly with Petitioner No.1 and hence his implication in this case. They are in custody since 09.11.2020.

It is submitted by the petitioners' counsel that due to his antecedents, Petitioner No.1 has falsely been implicated in this case. Petitioner No.2 has no criminal antecedents. Recovery is not in accordance with law. So far as Petitioner No.2 is concerned, even as per the allegation in the FIR, there is no recovery from him.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioner is allowed.

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 the learned Additional District & Sessions Judge-II, Gopalganj, in connection with Excise Case No.316 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)

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