

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15450 of 2021

Arising Out of PS. Case No.-390 Year-2020 Thana- GAIGHAT District- Muzaffarpur

1. Mannu Thakur Son Of Shambhu Kumar Thakur Resident Of Village - Shivaji Nagar, P.S.- Town, Distt.- Darbhanga.
2. Mithu Kumar Sahni Son Of Binod Sahni Resident Of Village - Shivaji Nagar, P.S.- Town, Distt.- Darbhanga.
3. Rahul Kumar Soni Son Of Om Prakash Soni Resident Of Village - Shivaji Nagar, P.S.- Town, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chandra Pd. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-07-2021 Heard learned counsel for the petitioners and the State through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under sections 272/273/414/34 of the Indian Penal Code and sections 30a/36/41 of the Bihar Prohibition and Excise Act.

Prosecution's case, in brief, is that 184.500 liters of foreign liquor was recovered from the vehicle and petitioners were arrested on the spot.

Learned counsel appearing for the petitioners submit that the petitioners are innocent and have falsely been



implicated in this case. Nothing incriminating has been recovered from the possession of the petitioners who are labourers doing work at Muzaffarpur and were coming to Darbhanga by the said pick up van and they have nothing to do with the alleged recovery. Petitioners have got no criminal antecedent and they are in custody since 26.11.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that the petitioners have got clean antecedent and no incriminating material has been recovered from their conscious possession, 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 Additional Sessions Judge cum Special Judge, Excise Act Muzaffarpur in Gayghat Police Station Case No. 390 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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