

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16389 of 2021

Arising Out of PS. Case No.-439 Year-2020 Thana- MUFFASIL PURNIA District- Purnia

1. HUSBUL @ HUSBUL ALAM S/O BHOLAI @ NEHARUDDIN R/O VILLAGE RAMNAGAR P.S AMOUR, DISTRICT-PURNEA.
2. ABDUL S/O BHOLAI @ NEHARUDDIN R/O VILLAGE RAMNAGAR P.S AMOUR, DISTRICT-PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Sadar (Muffasil) P.S. Case No. 439 of 2020 corresponding to Special



Excise Case No. 523/2020 registered under Sections 272 and 273 of the Indian Penal Code Section 30(a) of Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 210.75 litres illicit liquor from the white *Scorpio* jeep of petitioner no. 1 and petitioner no. 2 is his brother.

Learned counsel for the petitioners submits that the vehicle was stopped at the state border whereafter the driver fled away. When the petitioners, who are two brothers, received the information and reached at the place where the vehicle has been stopped then they have been taken into custody. Under such circumstances, it is submitted that petitioners have falsely been implicated, they are in custody since 30.11.2020 having no criminal antecedents. They have disclosed the name of the driver however police has taken no steps to apprehend the driver.

Learned APP 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 petitioners are allowed. Let the petitioners above named be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Purnea in Sadar (Muffasil) P.S. Case No. 439 of 2020 corresponding to Special Excise Case No. 523/2020, 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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