

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8448 of 2021**

Arising Out of PS. Case No.-249 Year-2020 Thana- DIDARGANJ District- Patna

1. ARUN KUMAR S/o Krishna Singh R/o village- Kothiya, P.S.- Didarganj, District- Patna
2. Vikash Kumar S/o Bhushan Singh R/o village- Kothiya, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-01-2021 Learned counsel for the petitioners submits that due to an inadvertent typographical error, the date of custody has wrongly been typed as *01.12.2012* instead of *01.12.2020* which is the actual date on which the petitioners were remanded to judicial custody.

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

The petitioners seek bail in Didarganj Police Station (for brevity, *PS*) Case No 249 of 2020 dated 01.12.2020 instituted for the offence punishable under Sections 30 (a)/36 of Bihar Prohibition and Excise Act, 2018.

Allegation is regarding recovery of 270 liters of illicit



liquor from a Tempo on which 6 – 7 persons were travelling.

Petitioners' counsel submits that the vehicle was a public carriage. Recovery is not specifically from the petitioners' possession and implication is based only on suspicion. They have no criminal antecedents.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. 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), Patna in Didarganj PS Case No 249 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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