

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16488 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

-
1. Gopal Ray, aged about 32 years, male, S/o Arun Rai Resident of Village- House No. 123/B, Gali No. 4 Bag Place, Shastri Park, P.S.- Swarup Nagar, New Delhi.
 2. Jitendra Kumar Singh, aged about 30 years, male, S/o Himmat Bahadur Singh R/o Village- Pitambarpur, P.S.- Madhukar, District- Raibarely (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.
For the Opposite Party/s : Ms. Glnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor (for short 'APP') for the State.

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.

The petitioners seek bail in Dumariaghat PS Case No. 26 of 2020, instituted for the offence under Sections 272 and 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

66.45 litres illicit liquor has been recovered from the vehicle allegedly being driven by the petitioner No.1. Petitioner



No.2 was found sitting on the alleged vehicle.

It is submitted by the petitioners' counsel that having no criminal antecedents they have falsely been implicated in the instant case and are in custody since 14.02.2020. Recovery is not in accordance with law.

The learned APP representing 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 petitioners is allowed. 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 Additional Sessions Judge IXth- cum- Spl. Judge Excise Act, East Champaran, Motihari, in connection with Dumariaghat P. S. Case No. 26 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)

shyambihari/-

U		T	
---	--	---	--

