

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16564 of 2021

Arising Out of PS. Case No.-410 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. Shiv Shankar Kumar, Son of Bala Ram Sah, Resident of Village- Rupauli, Ward No. 07, Police Station- Bathnaha, District- Sitamarhi.
 2. Manish Kumar, Son of Pukar Singh, Resident of Village- Rupauli, Police Station- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-10-2021 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

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

The petitioners seek bail in connection with Complaint Case No.C-2/410 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Illicit *Nepali Saufi* wine has allegedly been smuggled into the country from Nepal.

Petitioners' counsel submits that the petitioners have no criminal antecedents. Under confusion, they have been



implicated in this case. Recovery is not in accordance with law and they have been in custody since 14.11.2020.

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 petitioners 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Complaint Case No.C-2/410 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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