

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18160 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- KANHAULI District- Sitamarhi

1. Jamsaid Sheikh, Son of Ali Akhtar Sheikh, Resident of Village - Khopraha, P.S.- Kanhauli, District - Sitamarhi.
2. Soaib Sheikh, Son of Ali Akhtar Sheikh, Resident of Village - Khopraha, P.S.- Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Kanhauli P.S. Case No.111 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is an alleged recovery of 810 litres of *Nepali Saufi* wine. Recovery is said to be from around a hut and on a motorcycle parked in front of the hut from where the petitioners were apprehended.

Counsel for the petitioners submits that the petitioners have no criminal antecedents and are in no way



connected with the hut or the motorcycle. Being in the locality, they have become the victim of circumstances. Recovery is not in accordance with law and they are in custody since 14.10.2020.

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 Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi, in connection with Kanhauli P.S. Case No.111 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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