

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18656 of 2021

Arising Out of PS. Case No.-214 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Nitesh Kumar (Male), aged about 20 years, Son of Vijay Shankar Sah
Resident of Village - Jhanjharpur, P.S.- Jhanjharpur, Distt.- Madhubani.
 2. Sanjay Kumar (Male), aged about 28 years, Son of Mahendra Prasad
Resident of Village - Jhanjharpur, P.S.- Jhanjharpur, Distt.- Madhubani.
 3. Daya Ram Paswan (Male) aged about 38 years Son of Jagadish Paswan
Resident of Village - Jhanjharpur, P.S.- Jhanjharpur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 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 CIS No.214 of 2020 instituted
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

400 litres spirit has been recovered from a three wheeler.
It is alleged that the petitioners were apprehended at the check



post found sitting on the three wheeler.

Submission is that it is a case of false implication. Petitioners have no criminal antecedents. They had taken a ride on the three wheeler in- question and have become a victim of the circumstance. They are in custody since 30.11.2020.

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 Special Judge Excise Act, Dist. Purnia, in connection with CIS No. 214 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)

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