

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19888 of 2021

Arising Out of PS. Case No.-314 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. MD. ASLAM SON OF LATE MD. RAFIQUE R/O MOHALLA- SECTOR-9, P.S.- HARLA, DISTRICT- BOKARO (JHARKHAND).
 2. VIKASH MAHTO SON OF JADU MAHTO R/O VILLAGE-BARNAUSA, P.S.- SILAO, DISTIRCT- NALANDA (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Adv
For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-07-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with G.O. Case No.314 of 2020, registered for the offence punishable under Section 30(a) and 56(b) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act-8 of 2018.



Altogether 142.5 liters of foreign liquor is said to have been recovered from one Tata Sumo Gold vehicle kept in a hidden box. Petitioner no.1 is the driver and petitioner no.2 has taken lift on the said vehicle.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in the present case by the police merely on suspicion. No incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The said vehicle does not belong to the petitioners. They have no knowledge of the liquor loaded in the vehicle as they were riding the vehicle on booking. Petitioners have no criminal antecedent as mentioned in para-3 of the present petition and have been languishing in custody since 23.12.2020.

Petitioner no.1 is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) and Petitioner no.2 is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT



Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioners, be released on bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Nawada, in connection with G.O. Case No.314 of 2020, with the following conditions:-

(1) that one of the bailors of each petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. They will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) that the bailors will also state on affidavit that they will inform the court concerned if petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of



Rs.10,000.00 (Rupees Ten Thousand) by petitioner no.1 and
Rs.5,000.00 (Rupees Five Thousand) by petitioner no.2, in the
PM Cares fund.

(Anjani Kumar Sharan, J)

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