

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 25695 of 2021**

Arising Out of PS. Case No.-326 Year-2020 Thana- GOVERNMENT
OFFICIAL COMP. District- Nawada

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1. ASHISH EKKKA Son of Gresh Ekka Resident of Village- Dashmail Chauk, New Kunjari P.S. Dhruba, District - Ranchi (Jharkhand).
 2. MANISHA KUMARI Wife of Ashish Ekka Resident of Village- Dashmail Chauk, New Kunjari P.S. Dhruba, District - Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Man Mohan Kumar, Advocate
For the Opposite Party/s	:	Mr Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-06-2021 This case has been taken up today for consideration through Video Conferencing.

Learned counsel for the petitioners has mentioned this matter for out of turn / priority list. Supplementary affidavit has been filed stating that father of petitioner No 1 has died on 30.05.2021. Petitioner No 1 is the only son of his deceased father and that he is required to perform the last rites of his deceased father. The matter has been taken up for consideration on priority basis in view of the said supplementary affidavit having been filed.

Heard learned counsel for the petitioners and the



learned APP for the State.

The petitioners seek bail in GO Case No 326 of 2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

The prosecution case alleges recovery of 232.500 liters of Indian Made Foreign Liquor from a vehicle in which the petitioners along with one another person was sitting.

Petitioners' counsel has made submissions on the merits of the bail application. It is submitted that petitioners No 1 and 2, who are husband and wife, were bona fide passengers in the vehicle in question as they had taken a lift. Submission is of false implication. Petitioner No 2 is in custody with a four months old infant. They have no criminal antecedents and are in custody since 30.12.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, subject to the verification of the factum of death of petitioner No 1's father and that petitioner No 1 is the only son of his deceased father, by the Court concerned from the local Police Station, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Additional Sessions Judge II -cum- Special Judge, Nawada in GO Case No 326 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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