

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27065 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. MUKESH SAH Son of Late Butan Sah @ Bhutan Sah Resident of Village- Mahammadpur, Turha Toli, P.S.- Mohammadpur, District- Gopalganj.
2. BECHU SAH Son of Late Nathuni Sah Resident of Village- Mahammadpur, Turha Toli, P.S.- Mohammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms. Rina Sinha, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Tr.No.5044 of 2021 arising out of Mohammadpur P.S. Case No.273 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 09.12.2020.

Learned counsel for the petitioners submits that, as per the prosecution story, 45 liters of raw spirit have been



recovered from the possession of the petitioners.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case merely on suspicion. Learned counsel submits that the petitioners have no concern with the alleged seized spirit. It is submitted that the petitioners are in custody in connection with this case since 09.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein 45 liters of raw spirit is said to have been recovered from the seized gallon and these petitioners were arrested allegedly on the spot but the submission is that the petitioners are in no way related either with the manufacturing of liquor or any other way with such business, they have remained in jail since 09.12.2020, investigation against them is complete, in the circumstances, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Tr.No.5044 of



2021, arising out of Mohammadpur P.S. Case No.273/2020,
subject to the condition as laid down under Section 437 (3)
Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioners and in case at any
stage it is found that the petitioners have concealed their
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioners. However, the
acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

