

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31301 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. SURAJ KUMAR Son of Bachchi Yadav Resident of Village- Laloopur, P.S.- Sabour, District- Bhagalpur.
 2. Rupesh Kumar Son of Jicho @ Bicho Yadav Resident of Village- Laloopur, P.S.- Sabour, District- Bhagalpur.

... .. Petitioners/

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 21-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normall 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 a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

70.125 liters of country made liquor is said to have been recovered from a tempo.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. No incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or the tempo in question or any trade of liquor. They have been falsely implicated in this case by the police as they were travelling from the said tempo. There is violation of Section 100 (4) Cr.P.C. They have no criminal antecedent and have been languishing in custody since 27.02.2021.

Petitioner no.1 is agreed to deposit a sum of Rs.5,000.00 (Rupees FiveThousand) 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.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Excise Complain Case No.34 of 2021, subject to the following conditions:



(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case, 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.5,000.00 (Rupees Five 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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