

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37137 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. UMESH SINGH SON OF LATE LAKHDEV SINGH @ ALAKHDEV SINGH Resident of Village- Basantpur, Police Station- Basantpur, District- Siwan
 2. DADAN SAH SON OF LATE MANBODH SAH Resident of Village- Basantpur, Police Station- Basantpur, District- Siwan

... .. 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 : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioners and learned A.P.P. 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 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 Excise Case No. C-III Case No.60 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018.

40 liters of country made liquor has been recovered from



sale centre of the petitioner no.1 and 70 liters of country made liquor is said to have been recovered from sale centre of petitioner no.2.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No such occurrence has ever taken place. They have been falsely implicated in this case merely on suspicion. The alleged seized liquor did not belong to the petitioners, but due to illegal demand of the informant, they have been falsely dragged in the present case. No incriminating articles have been recovered from the physical or conscious possession of the petitioners. There is non-compliance of Section 100(6) of the Cr.P.C. and the recoveries have been transplanted upon the petitioners. Petitioners have no criminal antecedent, as mentioned in para-3 of the bail application and have been languishing in custody since 06.02.2021.

Petitioners are agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) each in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Excise Case No. C-III Case No.60 of 2021, with 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) 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 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 petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) each in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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