

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37193 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

1. Raj Kumar Sah S/O Ganesh Sah R/O Mohalla-Kolhua Paigambarpur, Ward No.15, P.S-Ahiyapur, District-Muzaffarpur.
2. Md. Kasim @ Md. Qasim S/O Md. Ali Hasan R/O Mohalla-Kolhua Paigambarpur, Ward No.15, P.S-Ahiyapur, District-Muzaffarpur.
3. Vinay Kumar Sahani @ Binay Sahani S/O Satya Narayan Sahani R/O Mohalla-Kolhua Paigambarpur, Ward No.01, P.S-Ahiyapur, District-Muzaffarpur.
4. Birbal Sah S/O Shankar Sah R/O Village-Belahia, P.S-Sahiyara, District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 17-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Brahampura P.S. Case No. 82 of 2021 (G.R. No. 484 of 2021), registered for the offence under Section 30(c)/30(d) of Bihar Prohibition and Excise Act.

2000 pieces of empty bottles of different brand of liquor have been recovered from the junk shop of one Nitish Kumar and petitioners were arrested on spot.

It is submitted on behalf of petitioners that petitioners are not the owner of the junk shop. They were simply labourers in the shop and have nothing to do with the alleged recovery of empty bottles. Petitioners have got clean antecedent and are in



custody since 13.03.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation, clean antecedent and period of custody, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Brahampura P.S. Case No. 82 of 2021 (G.R. No. 484 of 2021), on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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