

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37425 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. Vijay Mandal Son Of Bishab Mandal Resident Of Village- Laundhora, P.S.- Manglore, District- Haridwar (Uttaranchal)
 2. Kundan Kumar S/O- Masharu Paswan Resident Of Village- Basanwara, P.S.- Alam Nagar, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 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 Special Case No. 364 of 2020 (C.I.S. No. 364 of 2020) registered for the offence punishable under Sections 30 (a) and 56 (B) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical



possession of the petitioners rather 171 liters of illegal foreign liquor is said to have been recovered from Tata Indigo CS vehicle bearing Registration No. BR 11F 8666. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that petitioners have no concern with the seized vehicle and seized liquors and they are driver and cleaner of the said vehicle. Petitioners have no criminal antecedent as has been mentioned in para-3 of the present petition and they are languishing in custody since 13.12.2020.

Petitioner No. 1 is agreed to deposit a sum of Rs. 15,000/- (Rupees Fifteen Thousand) and Petitioner No. 2 is agreed to deposit a sum of Rs. 5,000/- (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.

Having regard to the facts and circumstances of case, let the above named petitioners, be released 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 learned court below where the case is pending/successor court in connection with Special Case No. 364 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioners who will give on affidavit genealogy as to how he is relative to petitioners. The bailor 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 made accused 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 the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs. 15,000/- (Rupees Fifteen Thousand) by Petitioner No. 1 and Rs. 5,000/- (Rupees Five Thousand) by Petitioner No. 2 each in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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