

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38907 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. Ravi Kumar, male, aged about 26 years, Son of Vishwanath Rai Resident of Village- Mahmadpur, P.S.- Paroo, District- Muzaffarpur.
2. Guddu Kumar Yadav, male, aged about 25 years, son of Brij Kishore Rai Resident of Village- Mahmadpur, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Ashraf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Saraiya P. S. Case No. 224 of 2021 registered for offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Police have reached the house of accused Abdul Hasan where they have recovered spirit and empty bottles which



he has disclosed he was selling to liquor traders, namely Santosh Rai and Abhay Rai. The petitioners are alleged to have been apprehend while fleeing from the house of co-accused Abdul Hasan.

It is submitted that having no criminal antecedents the petitioners have falsely been implicated in this case. The house was of co-accused Abdul Hasan and he has stated the name of the other two persons. The petitioners, who are in the vicinity, have become victim of the circumstance. Petitioners are in custody since 25.03.2021.

Learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Saraiya P. S. Case No. 224 of 2021, subject to the following conditions:-

- (i) 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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