

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7293 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Santosh Singh Male aged about 41 years son of late Paramhans Narayan Singh Resident of village- Khara Kuan, near Santoshi Maa Gali, Police Station Alamganj, Dist. Patna.
 2. Pavan Kumar @ Pawan Kumar (Male), aged about 27 years son of Lalit Sah Resident of village- Khara Kuan, Santoshi Maa Lane, Police Station Alamganj, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Praveen Kumar Advocate
For the State : Mr. Braj Kishore Prasad APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioners and learned counsel for the State

3. The petitioners seek bail in Special case no. 4939 of 2020 P. R. No. 80 of 2020 instituted for the offence under Sections 30(a),32(1), 32(2),32(3) and 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016.

4. Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. 46 litres and 125 ML illicit liquor has allegedly been



recovered from Santosh *Gali* where persons have started fleeing away. The petitioners have been apprehended.

6. Submission is that being a passerby the petitioners have become a victim of the circumstance. The petitioners are in custody since 23.08.2020, having no criminal antecedents. They have no concern with the alleged illicit liquor and recovery is in contravention of section 100 Cr. PC.

7. The learned APP representing the State has opposed the prayer for bail .

8. Considering the rival submissions, let the petitioners, above named, 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 the learned Special Judge Excise Act, Patna, in connection with Special case no. 4939 of 2020 arising out of P. R. No. 80 of 2020, 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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