

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39573 of 2020

Arising Out of PS. Case No.-345 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. SHIVSHANKAR SAH S/o Late Rajnandan Sah R/o village- Shivpur Tola, Ward No. 11, Manikchowk, P.S.- Runnisaidpur, District- Sitamarhi
2. Bijay Sah S/o Shivshankar Sah R/o village- Shivpur Tola, Ward No. 11, Manikchowk, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned Counsel for the petitioners and the learned Counsel 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 Runnisaidpur PS Case No. 345 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

From the under construction house of petitioner No. 2, 339.750 liters of Indian Made Foreign Liquor (prohibited) has allegedly been recovered. Petitioner No. 1 happens to be father of petitioner No. 2.

Submission is that even as per allegation the place of recovery was an under construction house and accessible to all, for which the petitioners cannot be fastened with any criminal liability. There is non compliance of Section 100 Cr.P.C. There is no forensic opinion to support the recovered material being an intoxicant.



Petitioners have their clean past. They are in custody since 28.7.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Sitamarhi in Runniaidpur PS Case No. 345 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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