

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11178 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- GUTHANI District- Siwan

1. TULSI KUMAR BHAGAT son of Raju Bhagat Resident of Village- Mahpur Khajrauli, P.S.- Hussainganj, District- Siwan
2. Abhimanyu Kumar son of Baliram Yadav Resident of Village- Mahpur Khajrauli, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr Rabindra Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 08-07-2021 This case has been taken up today for consideration through Video Conferencing.

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

The petitioners seek bail in Guthni Police Station (for brevity, *PS*) Case No 172 of 2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

On seeing the police force, the car has been parked by the roadside and the petitioners allegedly started fleeing away from the vehicle in question. There is total recovery of 520.900 liters of illicit liquor from the vehicle in question.



Learned counsel for the petitioners submits that the petitioners were passerby having no connection with the vehicle in question and have been implicated in this case falsely. There is non-compliance with Section 100 of Criminal Procedure Code. Petitioners have no criminal antecedent and are in custody since 04.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Siwan in Guthni PS Case No 172 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 fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.



Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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