

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36094 of 2020

Arising Out of PS. Case No.-363 Year-2020 Thana- BARACHATTI District- Gaya

1. RANJAY KUMAR Son of Shankar Prasad Resident of Village-Kharhari, P.S.-Mufassil, District-Gaya.
2. AJIT KUMAR Son of Late Pappu Singh Resident of Village-Bhindas, P.S.-Wazirganj, District-Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-01-2021 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 Barachatti PS Case No. 363 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is submitted by learned Counsel for the petitioners that the allegation of recovery of 1102.5 liters liquor from the vehicle which was driven by petitioner No. 1 is false. Petitioner No. 2 is alleged to be Khalasi of the vehicle. The petitioners have no criminal antecedent. The recovery is in violation of mandatory procedure prescribed under Section 100 Cr.P.C. The petitioners are in custody since 17.6.2020 and there is no forensic opinion to ascertain that the recovered substance is intoxicant liquor.

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 Special Judge, Excise, Gaya in Barachatti PS Case No. 363 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 petitioner. 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 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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