

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.494 of 2021

Arising Out of PS. Case No.-630 Year-2020 Thana- BIHTA District- Patna

1. Chandan Kumar, Son of Badri Nath Rai, Resident of Village - Subhav Tola, O.P.- Neura, P.S.- Bihta, Distt.- Patna.
2. Rahul Kumar, Son of Navin Bhushan Sinha @ Navin Bhushan @ Munna Rai, Resident of Village - Subhav Tola, O.P.- Neura, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Sharma, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Special Case No.4989 of 2020 arising out of Bihta P.S. Case No.630 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 150 litres country made liquor has been recovered from the dicky of the vehicle, on which the petitioners with one another was travelling.

Counsel for the petitioners submits that even as per the prosecution case, recovery is not from the petitioners' conscious possession. It is a case of false implication and the



petitioners have no connection with the recovery. Merely because the petitioners have taken a lift in the vehicle, they have become a victim of circumstances. They have no criminal antecedents and are in custody since 26.08.2020.

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

Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let both the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No.4989 of 2020 arising out of Bihta P.S. Case No.630 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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



bonds will be liable to be cancelled.

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

(Madhuresh Prasad, J)

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