

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37900 of 2020

Arising Out of PS. Case No.-133 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Md Nashir S/o Md. Salim R/o Village- Guabari, P.S.- Kundwachainpur,
District- East Champaran
 2. Md. Nazim S/o Md. Salim R/o Village- Guabari, P.S.- Kundwachainpur,
District- East Champaran
 3. Md. Ashif S/o Md. Salim R/o Village- Guabari, P.S.- Kundwachainpur,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Adv.
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioners and the learned
APP for the State.

Learned counsel for the petitioners is expected to honor 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.

The petitioners seek bail in Kundwachainpur PS Case No 133 of 2020, GR No 1093 of 2020 instituted for the offence under Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016 and Sections 272 and 273/34 of the Indian Penal Code.

The three persons before this Court are brothers. It is alleged that they were carrying wine from Nepal border and have been apprehended with 204 litres of *Nepali* wine.

Learned counsel for the petitioners submits that



petitioners are in custody since 01.09.2020. The instant case is false as no such recovery has taken place. There is no compliance with Section 100 CrPC and there is no forensic opinion to support the allegations that the recovered substance is intoxicant.

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

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise Act, East Champaran, Motihari, in connection with Kundwachainpur PS Case No 133 of 2020, GR No 1093 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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