

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38194 of 2020

Arising Out of PS. Case No.-53 Year-2020 Thana- MADHWAPUR District- Madhubani

1. Dilip Sah aged about 25 years Son Of Brahmdeo Sah R/O Village Bihari Ps Madhwapur, District- Madhubani.
2. Dhyani Sah aged about 35 years Son Of Bijali Sah Resident Of Village- Bihari, P.S.- Madhwapur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ravi Prakash, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

Petitioners seek bail in a case registered for the offence punishable under section 272 and other ancillary sections of the Indian Penal Code and section 30a of the Bihar Prohibition and Excise Act.

As per the prosecution case, 134 liters of Nepali wine has been recovered from two cycles of the petitioners.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. They are not concerned



with the alleged recovery. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 16.7.2020.

In the facts of the case, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in Madhwapur Police Station Case No. 53 of 2020/GR No. 767 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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