

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 500 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- DUMRA District- Sitamarhi

1. RAJESH KUMAR SON OF MANOHAR KUSHVAHA Resident Of Village - Ajangadh, Ward No. 05, P. S .- Dumra, District - Sitamarhi
2. Sanjeev Kumar SON OF MANOHAR KUSHVAHA Resident Of Village - Ajangadh, Ward No. 05, P. S .- Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, 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 Dumra Police Station (for brevity, *PS*) Case No 254 of 2020 dated 19.08.2020 instituted for the offence punishable under Section 30 (A) of Bihar Prohibition and Excise Act, 2016.

From a cattle shed situated in front of the house of these petitioners, 565.560 liters of illicit liquor has allegedly been recovered.

Petitioners' counsel submits that both petitioners bear clean past. They are in custody since 19.08.2020 and, even as per prosecution case, recovery is from cattle shed in front of the house of the petitioners, accessible to general public for which criminality cannot be attributed to the petitioners.

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 Act, Sitamarhi in Dumra PS Case No 254 of 2020 dated 19.08.2020 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.

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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