

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39284 of 2020

Arising Out of PS. Case No.-323 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. MD JISAN Son of Munnu Resident of Village - Hathipur Chittu, P.S. Kundarki, District - Muradabad (U.P.)
 2. MD NOOR ALAM Son of Md. Akhtar Hussain Resident of Village - Shikari Millakha, P.S. Kundarki, District - Muradabad (U.P.)
 3. MD AZMAL Son of Md. Obais Resident of Village - Hathipur Chittu, P.S. Kundarki, District - Muradabad (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sachit Kumar, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Mufassil (Singhaul) Police Station (for brevity, *PS*) Case No 323 of 2020 dated 26.06.2020 (GR No 600 of 2020) instituted for the offence punishable under Sections 290, 120B of Indian Penal Code and Sections 30 (a), 41 of Bihar Prohibition and Excise (Amendment) Act, 2018.

873 liters of illicit liquor is alleged to have been recovered from the container. Prosecution alleges that three persons fled away and the petitioners were apprehended who disclosed the consignment of the illicit liquor.



It is submitted by the petitioners' counsel that the petitioners have no criminal antecedent. They are in custody since 27.06.2020. Recovery is from the container and not from the possession of the petitioners. They have been implicated merely because they were innocent bystanders.

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, Begusarai in Mufassil (Singhaul) PS Case No 323 of 2020 dated 26.06.2020 (GR No 600 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.



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)

M.E.H./-

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