

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39545 of 2020

Arising Out of PS. Case No.-171 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Rahul Kumar, Son of Sanjay Yadav, Resident of Village - Koluha, Ward No. 05, P.S.- Sankarpur, District - Madhepura.
 2. Mukesh Kumar, Son of Lochan Yadav, Resident of Village - Pilwaha, Ward No. 01, P.S.- Jadiya, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with C-1 Case No.171 of 2020, CIS No.171 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Amendment Act, 2018.

From a three-wheeler's *Dala*, there is an alleged recovery of 132.75 litres of liquor. The petitioners were allegedly in the three-wheeler.

Petitioner's counsel submits that the petitioners have falsely been implicated in this case. They were bona fide transporting some materials without knowledge that the liquor



was kept inside the box. They are in custody since 26.09.2020 and have no criminal antecedents.

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

Considering the rival submissions, this Court is inclined to allow 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 the learned Special Judge (Excise), Purnea, in connection with C-1 Case No.171 of 2020, CIS No.171 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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