

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39144 of 2020

Arising Out of PS. Case No.-294 Year-2020 Thana- HISUWA District- Nawada

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1. Mantu Kumar, aged about 24 years, male, S/o Vijay Prasad
 2. Mithilesh Kumar, aged about 50 years, male, Son of Jagdish Prasad
 3. Uday Kumar, aged about 42 years, male, Son of Jagdish Prasad
- All resident of Village- Kendua, P.S.- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Jha, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-03-2021 Mr. Dilip Kumar Jha, learned Advocate for the

petitioners seeks permission to withdraw this application with

respect to petitioner No. 1/Mantu Kumar as he has been

arrested.

Prayer is allowed.

The application with respect to petitioner No. 1 is

dismissed as withdrawn.



This case was mentioned for withdrawal. However, after the mentioning slip was filed, the mother of petitioner Nos. 2 and 3 died. This information has been given by the learned counsel for the petitioners while addressing this Court. He submits that he had no time to file any supplementary affidavit bringing on record the factum of the death of the mother of petitioner Nos. 2 and 3.

Normally this application would have been directed to be listed in usual course, but considering the fact that petitioner Nos. 2 and 3 are own brothers whose mother had died, this application has been taken up for admission.

Heard the counsel for the parties.

The petitioner Nos. 2 and 3 seek bail in anticipation of their arrest in connection with Hisua P.S. Case No. 294 of 2020, dated 28.08.2020, instituted for the offences under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The allegation against petitioner Nos. 2 and 3 is that they managed to flee away from the place of raid. There has been a recovery of 34.500 litres of country made



liquor kept in two gunny bags. The place of recovery is stated to be a bush which is open from all sides.

Considering the nature of accusation against petitioner Nos. 2 and 3 and taking into account the fact that they do not have criminal antecedents, they, namely, Mithilesh Kumar and Uday Kumar, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-Special Judge, Nawada in connection with Hisua P.S. Case No. 294 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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