

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39384 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

1. Shambhu Rai, Son Of Mangal Rai Resident Of Village - Salempur, P.S. - Baikunthpur, District - Gopalganj.
2. Devnath Prasad @ Dewanath Mukhiya, Son Of Achche Lal Mukhiya Resident Of Village - Pyarepur, P.S. - Baikunthpur, District - Gopalganj.
3. Bhulan Prasad @ Bhulan Mukhiya, Son Of Chhotan Mukhiya Resident Of Village - Pyarepur, P.S. - Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh- Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-10-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard Mr. Uday Pratap Singh, learned Advocate for the petitioners and learned APP for the State.

Learned counsel for the petitioners, at the outset, submits that petitioner no.3 has been arrested during the pendency of this petition.

As such, the present petition with respect to petitioner no.3 has become infructuous.



The petitioner nos.1 and 2 seek bail in anticipation of their arrest in connection with Baikunthpur P. S. Case No.164 of 2020, instituted for the offences under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The learned counsel for the petitioner nos.1 and 2 submits that both the petitioners are persons of clean antecedents and further submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioners has been roped in this case on the ground that they had gone to purchase liquor from *diyara* region near Bangra-Ghat from where 105 litres of country-made liquor from three gallons containing 35 litres each were seized.

The learned counsel for the petitioners submits that the petitioners are farmers and they were engaged in agricultural work and on seeing police, certain people started fleeing then petitioners also started fleeing from the place of occurrence on the anticipation that some criminals are being chased by the police. He also submits that from perusal of the allegation in the F.I.R., it is clear that nothing has been alleged against the petitioners that they, in any manner, were in possession of the liquor.



The learned A.P.P. vehemently opposes the bail application.

Considering the aforesaid facts and circumstances of the case, the petitioner nos.1 and 2, above-named, 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 in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge Excise, Gopalganj in connection with Baikunthpur P. S. Case No.164 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

