

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39436 of 2020

Arising Out of PS. Case No.-280 Year-2020 Thana- SURSAND District- Sitamarhi

1. LAL BACHAN YADAV S/o Rudal Ray R/o Village- Maidan, Ward No. -18, P.S.- Sursand, District- Sitamarhi.
2. Birendra Kumar S/o Ram Sharan Singh R/o Malikana, Ward No. -09, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr Shailendra Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-02-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Sursand Police Station (for brevity, *PS*) Case No 280 of 2020 instituted for the offence punishable under Sections 30 (A), 38, 41 of Bihar Prohibition and Excise Act, 2016.

261 liters of country made illicit liquor is alleged to have been recovered from the vehicle in which the petitioners along with one other person was travelling.

Learned counsel for the petitioners submits that the petitioners were having no knowledge about the contents. The car does not belong to the petitioners and they were merely travelling in the same. They have no criminal antecedent and they are in custody since 11.09.2020.

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 Sursand PS Case No 280 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)

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