

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39351 of 2020

Arising Out of PS. Case No.-337 Year-2020 Thana- KOILWAR District- Bhojpur

1. Sachin Kumar S/o Rajesh Kumar Rai Residence of Village- Girwari Tola, P.S.- Bikram, District- Patna.
2. Himanshu Kumar S/o- Anil Kumar @ Anil Rai Resident of Village- Modahi, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Sujata Sinha, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honor her undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioners seek bail in Koilwar P. S. Case No 337 of 2020, instituted for the offence under Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

Since 17.08.2020, the petitioners are in custody on alleged recovery of 70 litres country made wine from the motorcycle on which they were allegedly travelling.

Learned counsel for the petitioners submits that it is a case of false implication, without complying with mandatory procedure under Section 100 Cr PC and that the implication of the petitioners are on extraneous consideration.



The learned APP for the State has opposed the prayer for bail.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV-cum-Special Judge, Excise Act, Bhojpur (Ara), in connection with Koilwar P. S. Case No 337 of 2020, Excise Case No 1108 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.

(Madhuresh Prasad, J)

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