

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6208 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

-
1. MUKESH MANDAL SON OF BANKU PRASAD @ BANTU MANDAL
Resident of Village- Chaupal, P.S.- Mohanpur, Distt- Jamui.
 2. RAJKUMAR SON OF VENGU RAI RESIDENT OF SABAIJORE, P.S. -
JHAJHA, DISTRICT - JAMUI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 12-04-2021 Heard Mr. Satya Prakash Parasar, learned counsel for the petitioners and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioners submits that the name of petitioner No. 2 is “*Raju Yadav*” inasmuch as in the impugned order as well as in the Vakalatnama, his name has been mentioned as “*Raju Kumar*”, but, due to typographical error in the bail application, the name of petitioner No. 2 has wrongly been typed as “*Rajkumar*”.

Accordingly, let the name of petitioner No. 2 be corrected and read as “*Raju Kumar*” instead of “*Rajkumar*”.



Petitioners seek regular bail in connection with Excise Complaint Case No. 126C2 of 2020 registered for the offences punishable under Section(s) 30(a), 32, 41 and 56(a)(b) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that the Excise Official intercepted the Auto Rikshaw of petitioner No. 1 and recovered a total quantity of 120 litres of spirit. The petitioner No. 1 is owner of the Auto rikshaw and petitioner No. 2 is a passenger.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and they have falsely been implicated in this case with oblique motive. Learned counsel further submits that fact of the matter is that the Auto Rikshaw of the petitioner No. 1 was hired by one Ravi Yadav and some goods were kept inside the Auto Riksha by him and the petitioner No. 1 was asked to proceed towards Barhaiya. The petitioners were not aware about the illicit spirit being kept in the Auto Rikshaw by Ravi Yadav. Learned counsel next submits that the petitioners are in custody since 23.10.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioners are in custody since 23.10.2020, charge sheet



has been filed against them and further they have got no criminal antecedents, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Lakhisarai Excise, Jamui, in connection with Excise Complaint Case No. 126C2 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

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

