

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4692 of 2021

Arising Out of PS. Case No.-451 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. KAPIL KUMAR S/O STYANARYAN PRASAD R/O VILLAGE-
FATEHPUR, P.S. ZERO MILE, DIST. BHAGALPUR
2. SANTOSH KUMAR S/O SIKU YADAV R/O VILLAGE- KHARIK, P.S.
KHARIK, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioners undertake to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Ghogha (Kahalgeon) P.S. Case No. 451 of 2020 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2018

Learned counsel for the petitioners submit that there is no



recovery from the conscious possession of the petitioners rather 330 liters of foreign liquor has been recovered from the Tata Sumo vehicle. Petitioner No. 1 is the driver of the said vehicle and the petitioner No. 2 is the co-passenger of the vehicle.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. Petitioners have no criminal antecedent as has been mentioned in para-3 of the present petition and have been languishing in custody since 24.07.2020.

Petitioners is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioners, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge cum Special Judge, Excise, Bhagalpur in connection with Ghogha (Kahalgeon) P.S. Case



No. 451 of 2020.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) each in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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