

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4563 of 2021

Arising Out of PS. Case No.-668 Year-2020 Thana- KUDHNI District- Muzaffarpur

1. RAGHVENDRA KUMAR @ BHOLA Son of DEVENDRA RAI Resident of Village-Dubiyahi, P.S.-Kudhani (Turki O.P.), Districti-Muzaffarpur.
2. Rakesh Kumar @ Kallu Son of Devendra Rai Resident of Village-Dubiyahi, P.S.-Kudhani (Turki O.P.), Districti-Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Kudhni PS Case No. 668 of 2019 registered under Sections 414, 467, 468, 471/34 of the IPC and Sections 30(a), 38(1), 41(1) of Bihar Prohibition and Excise Act, 2016 .

5058 liters of illicit liquor has been recovered from three different locations and two persons have been arrested. They have disclosed names of twelve persons, including the petitioners, to be indulging in trade of illicit liquor.

It is submitted by learned Counsel for the petitioners that



having no criminal antecedent the petitioners are in custody based on such implication by co-accused, which has no evidentiary value. Even as per prosecution case, there is no recovery of any illicit liquor from the petitioners. Co-accused who has named the petitioners and other co-accused namely Tarkeshwar Choudhary, Chandan Kumar Shahi and Ashok Kumar Singh have been allowed bail in Cr. Misc. Nos. 80895 of 2019, 85596 of 2019 and 11034 of 2020 respectively. The petitioners are in custody since 24.9.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Kudhni PS Case No. 668 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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