

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4585 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Sonu Kumar Mahto S/o Shivji Mahto, R/o Hasa Ward No.15, P.S.-Warisnagar, District-Samastipur.
 2. Prince Kumar S/o Nathuni Sah, R/o Satmalpur Ward No. 05, P.S.-Warisnagar, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Nirmala Kumari, APP

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 petitioners' 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 Purnea Excise C1-Case No.185 of 2020 registered for offence punishable under sections 30 (a) and 56 (b) of the Bihar Prohibition and Excise Act, 2016.



Since 16.10.2020 petitioners are in custody in connection with recovery of 903 litres illegal liquor from a pickup vehicle and they are alleged to be driver and conductor.

Learned counsel submits that petitioners were lending their professional services as driver and conductor oblivious of the fact regarding liquor being stored in the truck, having no concern with the alleged recovery which is not in accordance with law. Having no antecedent they are in custody since 16.10.2020.

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) each with two sureties of the like amount each to the satisfaction of the Special Judge (Excise), Purnea in Purnea Excise C1-Case No.185 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 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 bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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