

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4178 of 2021

Arising Out of PS Case No.-124 Year-2020 Thana- KATEYA District- Gopalganj

1. Sanjay Sah, Male, aged about 40 years, Son of Pasupati Sah.
2. Basudeo Sah, Male, aged about 39 years Son of Chokat Sah, Both Resident of Village- Bhikhad Bazar, PS- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Shrivastava, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ranjan Kumar Srivastava, learned counsel for the petitioners and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Kateya PS Case No. 124 of 2020 dated 08.05.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. This is the second attempt for bail by the petitioners as earlier such prayer was rejected by order dated 17.07.2020 passed in Cr. Misc. No. 22029 of 2020.



5. The allegation against the petitioners is that they were caught on a motorcycle and from their possession, 44.6 litres of illegal liquor kept in a sack was recovered.

6. Learned counsel for the petitioners submitted that the recovery was not in accordance with law. It was submitted that he would not be reiterating the submission which was already recorded by the Court earlier. However, it was submitted that the petitioners are in custody since 08.05.2020. Learned counsel drew the attention of the Court to paragraphs no. 14 and 17 of the present application, where it has been undertaken that they will directly or indirectly not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and further they would not get involved in any matter relating to liquor or by any means whatsoever.

7. Learned APP submitted that recovery has been from the possession of the petitioners and against petitioner no. 1, there are three other cases of similar nature and against petitioner no. 2 also, there is one case of similar nature.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ- II, Gopalganj in Kateya PS Case No. 124 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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