

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5056 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- KATRA District- Muzaffarpur

1. Golu Kumar Son of Naresh Pandit Resident of Village - Berai, P.S.-
Hathaudi, Distt.- Muzaffarpur, Bihar
2. Rakesh Kumar Son of Rambriksh Ray Resident of Village - Berai, P.S.-
Hathaudi, Distt.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioners seek bail in Katra P.S. Case No. 238 of 2020, registered for the offence under Sections 272/273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, these two petitioners were apprehended on the spot alongwith a motorcycle and upon search of seized motorcycle, 36 liters of foreign liquor has been recovered.

It is submitted on behalf of petitioners that nothing has been recovered from possession of the petitioners.



Petitioners claim clean antecedent, as per paragraph – 2 of the petition, and are in custody since 18.10.2020. Chargesheet has already been submitted.

Considering the quantity of seized liquor and period of custody of petitioners, the bail application of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur, Bihar in connection with Katra P.S. Case No. 238 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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