

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5901 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. Avanish Kumar @ Abnish @ Avnish Kumar, Son Of Lal Kishor Sah, Resident Of Village-Harpurkalan P. S- Mejorganj, Distt- Sitamarhi
 2. Nitesh Kumar, Son Of Nandlal @ Nandlal Ray, Resident Of Village-Harpurkalan P. S- Mejorganj, Distt- Sitamarhi
 3. Rampujan Kumar @ Ram Pujan Mahto, Son Of Jagat Mahato @ Jagan Mahto, Resident Of Village-Harpurkalan P. S- Mejorganj, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the Opposite Party/s : Mr.Tarun Pd. Mandal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-06-2021 The matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioners seek bail in connection with C2 Case No.274 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



Having no criminal antecedents, the petitioners have been accused of smuggling illicit liquor from Nepal into India. Total recovered quantity is 105 litres.

It is submitted by the petitioners' counsel that it is a case of false implication and that the petitioners have no concern with the recovered substance, which till date has not been examined forensically whether it is actually an intoxicant. The petitioners are in custody since 25.07.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for bail.

Accordingly, 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 learned Additional District & Sessions Judge-II-Cum-Special Judge (Excise), Sitamarhi, in connection with C2 Case No.274 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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.

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

(Madhuresh Prasad, J)

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