

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11197 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. RAJA MALLICK Son of Mahesh Mallick Resident of Mohalla - AGhuriya Bazar, Mahadalit Tola (Mallick Tola), P.S. - Kazi Mohammadpur, District - Muzaffarpur.
 2. KANGAN MALLICK @ KANAG MALLICK SON OF GANESH MALLICK @ GANESH MALI Resident of Mohalla - AGhuriya Bazar, Mahadalit Tola (Mallick Tola), P.S. - Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-07-2021 . In view of sudden resurgence 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.

Petitioner seeks bail in Kazi Mohammadpur PS Case No. 291 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

From the shop of one co-accused Vikram there is recovery of 54.450 liters of foreign liquor. From the rented premises of petitioner No. 2 there is alleged recovery of 120.375 liters foreign liquor.

Learned Counsel for the petitioners submits that the



petitioners have no concern with the recovery made from the shop of co-accused Vikram. Petitioner No. 2 denies and disputes recovery from his rented premises. It is his submission that the same is not in accordance with law and there is no forensic opinion to support the allegation of recovered substance being an intoxicant. The petitioners are having clean antecedent and are in custody since 15.10.2020.

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) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur. In Kazi Mohammadpur PS Case No. 291 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 giving 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 petitioner.

(ii) That the petitioners 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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