

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7395 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- KARJA District- Muzaffarpur

1. Laxman Sah, Son of Dasai Sah, Resident of Village- Himmatpatti, P.S.- Sahebganj, Distt- Muzaffarpur.
2. Chandan Sah, Son of Shivnath Sah, Resident of Village- Himmatpatti, P.S.- Sahebganj, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr.Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-06-2021 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 Karza P.S. Case No.50 of 2020 instituted for the offence punishable under Sections 272, 273/34 of the I.P.C read with Section 30 of the Bihar Prohibition and Excise Act, 2016.



1136.880 litres liquor has allegedly been recovered. The petitioners are alleged to be the persons who fled away from the place of recovery.

It is submitted that the petitioners are in custody since 14.10.2020. Even as per the prosecution case, the petitioners were not apprehended at the time and place of recovery. They have no criminal antecedents and it is a case of false implication.

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 court of learned Special Judge, Excise, Muzaffarpur, in connection with Karza P.S. Case No.50 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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