

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7425 of 2021**

Arising Out of PS. Case No.-604 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. DEV KUMAR SON OF SRI SHYAM KARAN SAHNI R/O VILLAGE-
AKBARPUR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR
 2. GAURAV KUMAR SON OF SRI SHYAM KARAN SAHNI R/O
VILLAGE- AKBARPUR, P.S.- AHIYAPUR, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr Mithilesh Kr Khare, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-06-2021 This case has been taken up today for consideration
through Video Conferencing.

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

The petitioners seek bail in Town Police Station (for
brevity, *PS*) Case No 604 of 2020 instituted for the offence
punishable under Sections 272, 273, 414/34 of Indian Penal
Code and Section 30 (a) of Bihar Prohibition & Excise Act,
2016.

35 liters of illicit liquor has allegedly been recovered
from a vehicle on which the petitioner along with a pillion rider



was moving.

Learned counsel submits that, having no criminal antecedent, the petitioner has falsely been implicated in this case. The petitioner is bona fide owner of the motorcycle in question. The seizure list is not in accordance with Section 100 of Criminal Procedure Code and petitioner is in custody since 30.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Town PS Case No 604 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 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 bond will be liable to be cancelled.



Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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