

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7904 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. Deepak Kumar, Son Of Judagi Ram, Resident Of Village- Mahabir Nagar, P.S.- Dhansar, District- Dhanbad (Jharkhand).
2. Sumit Kumar, Son Of Latolal Srivastava, Resident Of Village- Vinod Nagar, P.S.- Dhanbad Nagar, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-08-2021 The matter has been taken up 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 Jagdishpur P.S. Case No.340 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



432 litres Indian Made Foreign Liquor has allegedly been recovered from a Tata Magic vehicle. Petitioner Nos.1 and 2 are Driver and Assistant Driver respectively.

Counsel submits that one Masik Chandra of Deoghar had got the vehicle loaded with the liquor and the petitioners had no knowledge that the vehicle was loaded with contraband liquor. They have no criminal antecedents and are in jail custody since 30.09.2020.

Learned APP for the State has opposed the prayer for bail. He has stated that both petitioners were in the vehicle when the recovery was made.

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

Accordingly, let both 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 2nd Additional District & Sessions Judge-cum-Special Judge, Excise, Bhagalpur, in connection with Jagdishpur P.S. Case No.340 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 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.

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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