

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9213 of 2021

Arising Out of PS. Case No.-591 Year-2020 Thana- DANAPUR District- Patna

1. MUKESH KUMAR Son Of PARSHURAM RAI Resident Of Village - Chakiya Tola Sherpur, P. S. - Maner, District - Patna.
2. Tinku Rai Son Of Sipahi Rai Resident Of Village - Chakiya Tola Sherpur, P. S. - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Special Case No. 6078/2020 (arising out of Danapur P.S. Case No. 591/2020) registered for the offence punishable under Section 30(a) of the Bihar Excise and Prohibition Act.

200 liters of illegal Mahua Wine is said to have been recovered from the possession of the petitioners.



It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that there is no recovery from the conscious possession of the petitioners rather the said 200 liters of illegal Mahua wine was recovered from the Auto and Motorcycle. He further submits that the petitioners are no way concerned with the alleged seized Auto and Motorcycle. Petitioners have no criminal antecedent as has been mentioned in para-3 of the present petition and have been languishing in custody since 14.10.2020

Petitioners are agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) each in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioners, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No. 6078/2020 (arising out of Danapur P.S. Case No. 591/2020) subject to following conditions:

- (1) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) each in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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