

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14769 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- BENIPATTI District- Madhubani

1. SUNITA DEVI WIFE OF ANIL MAHTO Resident of village - Mabbi, P.S.- Mabbi, Distt.- Darbhanga.
2. SANJEEV KUMAR SON OF RAMSWAROOP DAS Resident of village - Madhopur, P.S.- Mabbi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-08-2021 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 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.

Petitioners seek bail in connection with Benipatti P.S. Case No. 201 of 2020 registered under Sections 272 and 273 of



the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Since 7.8.2020 the petitioners are stated to be in custody. From two vehicles, there is alleged recovery of 135 litres and 270 litres illicit liquor. Petitioners are stated to be travelling in one of the said vehicles from which recovery is made.

The learned petitioners' counsel submits that the petitioners bear a clean antecedent, recovery is denied and disputed. It is submitted that co-accused Md. Ashraf has been allowed bail in Cr. Misc. no. 40856 of 2020.

The learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners are 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 A.D.J Special Judge Excise, Madhubani in Benipatti P.S. Case No. 201 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.

(Madhuresh Prasad, J)

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