

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11214 of 2021**

Arising Out of PS. Case No.-436 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

1. SAUKIN KHAN SON OF ALI MOHAMMAD @ ALIM KHAN R/O VILLAGE- GHATAL (HARCHANDPUR), P.S.- FULBAG, DIST.- ALWAR, STATE - RAJASTHAN
2. SATTAR KHAN SON OF FAZRUDDIN KHAN R/O VILLAGE- KHOIRIKALA, P.S.- TARU, DIST.- NUJU MEHWAT (GURGAON), STATE- HARYANA

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-07-2021 . 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 the learned APP for the State.

This Court would expect that the petitioner's 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.

Petitioner seeks bail in Siwan Muffasil PS Case No. 436 of 2020 registered under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016 .

There is recovery of 252 liters and 240 milliliters of Indian made foreign liquor from a vehicle in which the two petitioners were travelling.

Learned Counsel for the petitioners submits that the petitioners had taken a ride in the vehicle in question oblivious of the fact that any liquor was being carried in the same. They have been arrested while owner of the vehicle has fled away. The petitioners



have become victim of the circumstances. Having no criminal antecedent the petitioners are in custody since 26.9.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is 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 2nd Additional Sessions Judge -cum- Special Judge, Excise Act Siwan in Siwan Muffasil PS Case No. 436 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 petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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