

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6573 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- HATHAURI District- Muzaffarpur

1. GAUTAM SAH Son of Pawan Sah, Resident of Village - Amma, P.S. - Hathauri, District - Muzaffarpur.
2. PAWAN SAH Son of Shyam Sah, Resident of Village - Amma, P.S. - Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 25-05-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Hathauri P.S. Case No. 285 of 2021 registered for offence punishable under sections 272, 273 of the Indian Penal Code and sections 30 (a), 38 (i) (ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 88.2 litres of foreign liquor and a motor cycle were recovered from the house of the petitioners.



The learned counsel for the petitioners has submitted that petitioner no. 1 is the father of petitioner no. 2 and they are the persons of clean antecedents and are under custody since 26.11.2021.

Considering the period of detention as well as the clean antecedents, the petitioners above-named are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Hathauri P.S. Case No. 285 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioners shall file an affidavit to the effect that they shall not indulge themselves in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(iii) The bail bond shall be accepted by the



learned court below after verifying the criminal antecedent of the petitioners.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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