

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10472 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Bijendra Kumar, son of Naresh Kumar, Resident of Village - Kamil, P.S. - Sonipat Sadar, District - Sonipat, State - Haryana.
 2. Arjun Kumar @ Arjun, Son of Krishna Kumar @ Krishna, Resident of Village - Bojana Khurd @ Bajana Khurd, P.S. - Sonipat Sadar, District - Sonipat, State - Haryana.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-05-2022 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek bail in connection with Begusarai (Muffasil) Lakho P.S. Case No.108 of 2020 instituted for the offence punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30(a), 32, 41(I) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The petitioners' counsel submits that the petitioners have remained in custody since 01.03.2020. The period of custody has to be viewed with the allegations in the background. The petitioners are said to be Driver and *Khalasi* of the vehicle (truck) from which there is alleged recovery of 1867.32 litres



illicit liquor. The counsel for the petitioners submits that there is no criminal antecedents of either of the two petitioners and the period of custody is now more than two years. It was in this circumstance that the Court had requisitioned a report regarding the stage of the trial.

The report received from the trial court is that after framing of charges on 10.03.2022, the matter is at the stage of prosecution witness. Report does not disclose that even a single witness has been examined.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case as also having regard to the period of custody and keeping in view the background of the allegations under the Bihar Prohibition and Excise Act, this Court 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 is allowed.

Let 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 learned Exclusive Excise Court No.1, Begusarai, in



connection with Begusarai (Muffasil) Lakho P.S. Case No.108
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 bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) Other bailor shall be a local person.

(iii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds 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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