

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11824 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- BARGAINIA District- Sitamarhi

1. Kundan Patel, S/o Late Vinod Singh,
2. Raja Patel Mohan Singh, S/o Mohan Singh

Both are residents of village-Patel Tola, Bairganiya, P.S.- Bairaganiya,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioners and learned
APP for the State through Video Conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bairaganiya P.S. Case No. 242 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, the petitioners and co-accused were carrying illicit Nepali liquor and on seeing the police, they ran away leaving behind 70.5 litres of illicit liquor.

The learned counsel for the petitioners submits that the petitioners are innocent and nothing has been recovered from their possession. They have not been arrested from the spot. The petitioners are in custody since 12.11.2021. Regarding antecedent of the petitioners, learned counsel submits that petitioners have also been made accused in another case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioners have not been arrested from the spot and nothing has been recovered from them and further considering the period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Excise Court-I, Sitamarhi in connection with Bairaganiya P.S. Case No. 242 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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