

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20317 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

-
1. Harishankar Yadav @ Harishankar Rai Son Of Shivji Rai, R/O Village-
Shahpur Makshudpur, P.S.- Minapur, District- Muzaffarpur
 2. Dharmendra Kumar Yadav @ Dharmendra Kumar, Son Of Shivji Rai, R/O
Village- Shahpur Makshudpur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 29-07-2022 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 Excise Case No.93 of 2020 arising out of P R No. 10/2020 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, the recovery of 891.060 liters of India made foreign liquor was made from the under constructed house of the petitioners.



Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. They have not been arrested from the spot and nothing incriminating has been seized from their conscious possession. Admittedly, the recovery was made from the under constructed house and no one was found there, so it could not be said that the petitioners are involved in the alleged occurrence. The prosecution report has been submitted in this case and the petitioners are in custody since 15.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioners are having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact of submission of prosecution report and period of custody of the petitioners, they 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 the learned Special Judge (Excise), Court No.2, Muzaffarpur, in connection with Excise Case No. 93 of 2020 arising out of P.R. No. 10 of 2020 subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

