

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37783 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- MADANPUR District- Aurangabad

1. Chhotu Bhuiya, Son of Bigan Bhuiya, Resident of village- Charaiya, P.S.- Madanpur, District- Aurangabad
2. Nagina Paswan, Son of Late Ram Krit Paswan, Resident of Dochma, P.S.- Deo, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 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 Madanpur P.S. Case No. 187 of 2022, registered for the alleged offence under Sections 30 (a), 30 (b), 30 (c) and 33 of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police received secret information about the petitioners manufacturing and selling illicit country made liquor. A raid was conducted and the



petitioners were arrested. From the house of the petitioner no.1, 80 liters of country made *Mahua* liquor was recovered. In front of the house of the petitioner no.1, some articles used in manufacturing of illicit liquor were recovered apart from 2 liters of country made liquor.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The place from where articles of manufacturing are stated to be recovered does not belong to these petitioners. The petitioner no.1 is having clean antecedent whereas the petitioner no.2 is accused in more case, but he is on bail in that case. The charge sheet has been submitted in this case. The petitioners are in custody since 24.04.2022.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet 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 learned Special Judge, Excise-1, Aurangabad, in connection with Madanpur P.S. Case



No. 187 of 2022, 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 petitioner no.2 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/-

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