

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47951 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- GOVINDPUR District- Nawada

1. Ayush Kumar, S/O Sanehi Singh, Resident of Village- Brindawan, P.S.- Kawakole, Distt- Nawada.
2. Shankar Yadav @ Shankar Kumar, S/O Shiv Yadav, Resident of Village- Sidheshwarpur (Nehaluchak), P.S.- Nawada Town, District- Nawada.
3. Rohit Kumar, S/O Ravindra Singh, Resident of Village- Machoi, P.S.- Satgawan, District- Kodarma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

Counsel for the petitioners, based on supplementary affidavit filed on behalf of Petitioner No.2, submits that his implication is by the name “Shankar Yadav”, however, his identity proof documents show his name as “Shankar Kumar” and seeks addition of Shankar Kumar alias to the name of Petitioner No.2. Such modification is allowed in the description of Petitioner No.2.

Heard learned counsel for the petitioners and the learned APP for the State.



The petitioners seek bail in connection with Govindpur P.S. Case No.132 of 2021 instituted for the offence punishable under Section 30(a)/41 of the Bihar Prohibition and Excise Act.

142.12 litre liquor has been recovered from two motorcycles on which three persons were travelling and have fled away.

The allegation, as per the FIR, is that the petitioners on another motorcycle were escorting the carriers of the illicit liquor as a liner.

Counsel for the petitioners has submitted that even as per the allegation, recovery of illicit liquor is not from the petitioners or the motorcycles on which they were travelling. Their implication is based on suspicion and they are in custody now since 10.06.2021. Petitioner No.2 and 3 have no antecedents, however, petitioner No.1 is accused in another case under the Bihar Prohibition & Excise Act. The charge has been framed.

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

Considering the submissions of the parties and the fact that as per the prosecution case, there is no recovery of



illicit liquor from the petitioners or their motorcycles and the period of custody; as also the facts and circumstances of the case, 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 Additional District & Sessions Judge-2nd-Cum-Special Judge, Nawada, in connection with Govindpur P.S. Case No.132 of 2021, 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) 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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