

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 50794 of 2021**

Arising Out of PS. Case No.-395 Year-2021 Thana- MAHUA District- Vaishali

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1. PAWAN KUMAR Son of Birchandra Ram Resident of Village- Bishunpur Bande, P.S.- Bhagwanpur, District- Vaishali.
 2. Nagendra Kumar Son of Lakhu Ram Resident of Village- Bishunpur Bande, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr Jai Narain Thakur, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioners seek bail in Mahua Police Station (for brevity, PS) Case No 395 of 2021 dated 30.06.2021 instituted for the offence punishable under Sections 272, 273, 420, 467, 468, 414 of Indian Penal Code and Sections 30 (a), 32 (ii), 38 (ii), 41 (i) of Bihar Prohibition and Excise Act, 2016.

There is recovery of illicit liquor from three vehicles, namely, Scorpio, Tata Magic and one motorcycle. Petitioners are alleged to be persons, who have been apprehended from the Scorpio and 138.240 liters of illicit liquor is alleged to have



been recovered from the Scorpio. Having no criminal antecedent, it is submitted that they have been apprehended though they have no concern with the recovery and vehicle in question. It is a case of false implication and recovery is also not in accordance with law. They are in custody since 02.07.2021.

The learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court is inclined to accept the submission of the petitioners' counsel for the purposes of grant of bail.

Having regard to the aforesaid facts, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Excise Court, Vaishali at Hajipur in Mahua PS Case No 395 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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