

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62086 of 2021

Arising Out of PS. Case No.-263 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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1. LALTU KUMAR Son of Mahendra Yadav, Resident of Village - Bandha Khari, Ward No.11, P.s.- Murliganj, Distt.- Madhepura.
 2. Prayag Kumar @ Prayag Kumar Mahto Son of Gulab Mahto @ Gulab Mehta, Resident of Village - Pachlakh, Ward No.10, P.s.- Basnahi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 26-05-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Excise Case No. 640/2021, arising out of Udakishunganj P.S. Case No. 263 of 2021 registered for offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 469.80 litres of liquor was



recovered from a vehicle in which the petitioners were present. They were apprehended after a little chase.

The learned counsel for the petitioners has submitted that the petitioners are driver and staff of that vehicle and the FIR shows itself that the vehicle was hired by co-accused persons on Rs.20,000/-. He has submitted further that the petitioners are the persons of clean antecedents and they are under custody since 06.09.2021.

Considering the facts and circumstances, as well as the period of custody, the petitioners above-named are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Madhepura in connection with Excise Case No.640/2021, arising out of Udakishunganj P.S. Case No. 263 of 2021, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) At the time of furnishing bail bond, the petitioners shall file an affidavit to the effect that they shall not indulge themselves in future in the similar type of offence. If it is found so, the prosecution will have



liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(iii) The bail bond shall be accepted by the learned court below after verification of the criminal antecedent of the petitioners.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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