

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62076 of 2021

Arising Out of PS. Case No.-766 Year-2021 Thana- AGAMKUAN District- Patna

1. CHATHU KUMAR Son of Deepan Rai Resident of Village - Tersiya, P.S.- Ganga Bridge, District - Vaishali.
2. Musaheb Kumar Son of Bhola Rai Resident of Village - Tersiya, P.S.- Ganga Bridge, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Kumari

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioners and learned APP
for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Special Case No. 5317 of 2021 arising out of Agam Kuan P.S. Case No. 766 of 2021 registered under Sections 30(a)/41(1) of the Bihar Prohibition and Excise Act, 2018.

On receiving intimation regarding some illicit liquor being stored in a pickup van, the police had arrived at the place



being the house of one Krishnadev Prasad. Four persons started fleeing away out of which two said to be instant petitioners, have been arrested.

The learned counsel for the petitioners submits that petitioners have no criminal antecedents. As per prosecution case, no recovery has been made from the conscious possession of the petitioners. It is submitted that being the vicinity, they have become victim of the circumstances though they have no concern with the alleged recovered illicit liquor. They are in custody since 29.08.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that the prosecution does not allege any recovery from the petitioners' conscious possession, and period of custody as also the clean antecedents of the petitioners, this Court is inclined to allow the petitioners' prayer for bail.

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 Special Judge Excise, Patna in Special Case No. 5317 of 2021 arising out of Agam Kuan P.S. Case No. 766 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.

(Madhuresh Prasad, J)

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