

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63470 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- GOVERNMENT OFFICIAL COMP. Dis-
trict- Patna

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1. SANJAY MAHTO S/o- Late Bhola Mahto Resident of Choti Pahari, P.S. - Agamkuan, District - Patna.
 2. Randhir Kumar S/o- Late Bhola Mahto Resident of Choti Pahari, P.S. - Agamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saifur Rahman, Advocate

For the Opposite Party/s: Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2022 Heard the parties through video conferencing.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 03.09.2021, seek regular bail in connection with P.R Agam Kuan P.S. Case No. B-68 of 2021 registered for offences punishable under Sections 30(a), 32(1), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2018.

Allegation is of recovery of 130 liters of *Chulai* liquor from the house of the petitioners.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been im-



plicated in the present case. The alleged recovery was made from in front of the house of the petitioners. Petitioners have no connection with the alleged recovery neither they are involved in preparation of *Chulai* liquor. Petitioners have clean antecedent and they are in custody since 03.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioners, the Court below is directed to release the petitioners above named on bail upon furnishing bail bond of Rs. 200,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna in connection with P.R Agam Kuan P.S. Case No. B-68 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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