

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65691 of 2021**

Arising Out of PS. Case No.-82 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. AKASH KUMAR S/o Amit Kumar Ram @ Amit Prasad @ Rahul Prasad
R/o village- Garden Bazar Fulbadi, Ward No. 28 Munger, P.S.- Kotwali,
Distt.- Munger (Bihar)
 2. Rahul Kumar S/o Late Naresh Ram R/o village- Kali Tajiya Dilawarpur,
Shadipur, Munger, P.S.- Kotwali, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar
For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 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 Excise Complaint Case No. 82 of 2021 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

There is alleged recovery of 245 litres illicit liquor from the vehicle. Petitioners are stated to be driver and co-driver of the vehicle in question.



It is submitted by learned counsel for the petitioners that they were not conscious of the fact that there is any illicit liquor in the consignment that they have been asked to transport nor there is any recovery of any illicit liquor from the vehicle in question. After obtaining their signatures on the blank paper, the seizure list has been prepared. In such manner the petitioners who have no criminal antecedents, have been implicated and are in custody since 31.07.2021. They have also disclosed the name of the owner of the vehicle to establish their bonafide and the investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and fair antecedents, this Court is inclined to allow the 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 learned Additional District and Sessions Judge-II, Banka in Excise Complaint Case No. 82 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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