

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66970 of 2021**

Arising Out of PS. Case No.-468 Year-2021 Thana- CHAPRA TOWN District- Saran

1. Tufani Rai @ Tufani Ray, Son Of Late Ram Kripal Rai, Resident Of East Dahiyawan, P.S- Nagar (Town) , Dist- Saran
2. Munna Kumar, Son Of Sri Tufani Rai @ Tufani Ray, Resident Of East Dahiyawan, P.S- Nagar (Town), Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 01-06-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Nagar/Town P.S. Case No.468 of 2021 instituted for the offence punishable under Sections 30(a), 41(I)(II) of the Bihar Prohibition and Excise Act, 2018.

From near the petitioners' house, there is alleged recovery of 120 litres of illicit liquor.

Petitioners' counsel submits that it is a case of false implication. Recovery is not from the petitioners' possession or their house. Petitioners are in custody since 28.08.2021. It is also submitted that both petitioners have clean antecedents, but



because of mistake, petitioner no.1 has been shown as having antecedents in Town/Nagar P.S. Case No.539 of 2020, which actually has been lodged against one Tufani Mahto and not Petitioner No.1. It is further submitted that there is no recovery from either of the petitioners' possession and investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and having regard to the period of custody, manner of recovery from an open place as also completion of investigation, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

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 the learned Special Judge, Excise, Saran, in connection with Nagar/Town P.S. Case No.468 of 2021, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related



with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

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

(Madhuresh Prasad, J)

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