

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67445 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- BANGARA District- Samastipur

1. Md. Ujale, aged about 30 years, male, Son of Md. Kamrul Resident of Village - Fatehpur Wala, P.S.- Musrigharari, District - Samastipur.
2. Chand Babu, aged about 30 years, male, Son of Samsul Resident of Village - Fatehpur Wala, P.S.- Musrigharari, District - Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Jay Ram Prasad, Adv.
For the State : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioners seek bail in *Excise GR Case No. 721 of 2021 (arising out of N. H. Bangara PS Case No. 81 of 2021,* instituted for the offence punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 3041.280 liters illicit liquor from the



vehicle which were being searched by the police party. The petitioners have been apprehended.

It is submitted by the petitioners' counsel that having no criminal antecedents they have remained in custody since 30.07.2021. Their arrest is on account of the fact that they were just witnessing the search operation and based on suspicion. They have no connection with either the vehicle or the illicit liquor. It is also submitted that investigation is complete.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, fair antecedents, period of custody as also fact of 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 bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned *Spl Judge, Excise Act, Samastipur*, in connection with *Excise GR Case No. 721 of 2021 (arising out of N. H. Bangara PS Case No. 81 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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