

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57445 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SIRDALA District- Nawada

Uday Kumar, Son of Umesh Prasad, R/V- Kumbhiytari, P.S- Rajauli, Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57447 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SIRDALA District- Nawada

Mantu Kumar, S/O Dilip Prasad @ Dilip Kumar, Resident of village-
Manjhla, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57445 of 2022)

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 57447 of 2022)

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Since both the applications arise out of Sirdala P.S.

Case No. 106 of 2022, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

In the present case, the petitioners seek bail in



connection with Sirdala P.S. Case No. 106 of 2022, registered for the alleged offence under Sections 30 (a) and 41 of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicles, a car was intercepted and from this car, 300 liters of country made *Mahua* liquor was recovered. The driver fled away from the car when he was signaled to stop. While this car was being searched and seizure list was being prepared, two motorcycle riders tried to flee away on seeing the police party, but they were apprehended with their motorcycles and from their possession, 26 liters of country made *Mahua* liquor was recovered. These two persons named the petitioner Mantu Kumar from whom they purchased the liquor. The petitioner Uday Kumar is stated to be the owner of the seized car.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have not been apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The co-accused persons, who were apprehended from the spot, have been granted bail by a Coordinate Bench of this Court vide orders dated 05.08.2022 and 11.08.2022 passed in Cr. Misc. Nos. 29346 of 2022 and



31563 of 2022. The charge sheet has been submitted in this case. The petitioner Uday Kumar is in custody since 29.07.2022 and the petitioner Mantu Kumar is in custody since 28.08.2022. The petitioners are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioners have not been apprehended from the spot and no recovery has been shown from them and further considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedents, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Nawada, in connection with Sirdal P.S. Case No. 106 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court



below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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