

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60301 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- SABAUR District- Bhagalpur

1. Devraj Kumar, Son Of Hansraj Yadav, R/O Village- Goriyari, P.S.- Salkhua, District- Saharsa
2. Mannu Kumar, Son Of Suresh Yadav, R/O Village- Dhamsana, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Learned counsel for the petitioner submits that due to
typing error the age of the petitioners Devraj Kumar and Mannu
Kumar has been stated to be 19 years and 17 years, respectively
whereas it should be 21 years and 19 years, respectively.

Learned counsel for the petitioner would make
necessary correction within a week.

In the present case, the petitioners seek bail in
connection with Sabour (Goradih) P.S. Case No. 206 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.



As per prosecution case, recovery of 115.6 litres of India made foreign liquor was made from a four wheeler when it was intercepted during a regular checking. Petitioners were apprehended from the spot.

The learned counsel for the petitioners submits that the petitioners have nothing to do with the recovery of alleged liquor and nothing incriminating has been recovered from their conscious possession. Petitioner no. 1 is the driver and he has no concern with the seized article which belongs to one of the passenger who fled away on seeing the police party. Petitioner no.2 is merely a co-passenger. Charge-sheet has been submitted in this case and the petitioners are in custody since 09.06.2022. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioners and further considering the period of custody of the petitioners along with submission of charge-sheet against them, the petitioners above named 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 Special Judge Exclusive Excise Court-2, Bhagalpur, in



connection with Sabour (Garadih) P.S. Case No. 206 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
bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

