

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71165 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- MATIHANI District- Begusarai

1. Amod Kumar S/o Jagdish Singh R/o Vill. - Sihma - Char Khunt - W. No. - 15, P.S. - Matihani, District - Begusarai.
2. Prince Kumar Son of not known R/o Vill. - Sihma - Char Khunt - W. No. - 15, P.S. - Matihani, District - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2022

Heard counsel for the parties.

The petitioners are in custody in connection with Matihani P.S. Case No. 140 of 2021 for the offence under section 30(a) of the Bihar Excise Act.

The allegation in the FIR is that on secret information that the petitioners who are father and son are indulged in the illegal business of liquor, their house was raided. Although, three persons were managed to escaped but two of them were apprehended and they disclosed their named as Amod Kumar and Prince Kumar (the petitiners herein). Upon search, it is alleged that 72 liters of foreign liquor was recovered/seized. The FIR was instituted. They were taken into the custody.



Learned counsel for the petitioners submit that they have no criminal antecedent and are in jail since 1.11.2021 (as stated in para-1 of the bail application).

Considering the fact that both the father and the son are in jail since 1.11.2021 having no criminal antecedents and the charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail. However, if it is found that any of them is having criminal antecedent, the bail order so far as that person is concerned, shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs. 20,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise Act, Begusarai, in connection with Matihani P.S. Case No. 140 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;



(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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