

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71733 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- MEHANDIA District- Jehanabad

1. Gorakh Rajbanshi Son of Late Katu Ram Resident of village - Sohsa, P.S.- Mehandia, District - Arwal.
2. Gunga Chaudhary Son of Birendra Chaudhary Resident of village - Sohsa, P.S.- Mehandia, District - Arwal.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rupa Sahay, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022 Heard Mrs. Rupa Sahay, learned counsel for the
petitioners and the learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are in judicial custody in connection
with Excise Case No. 834 of 2021 arising out of Mehandia P.S.
Case No. 136 of 2021 for the offence under section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation in the FIR is that the police intercepted
a motorcycle with two persons riding on it and in between
them, there was a bag from which 60 liters of country made
liquor was recovered/seized.



Those riding the motorcycle, including the petitioners herein were arrested and are in jail since 20.9.2021.

Considering the fact that the petitioners are in custody since 20.9.2021(as stated in para-10 of the bail application), has no criminal antecedent, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise, Jehanabad, in connection with Excise Case No. 834 of 2021 arising out of Mehandia P.S. Case No. 136 of 2021 subject to the following conditions:

(i) one of the bailors should be the family member 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 their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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