

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62492 of 2022

Arising Out of PS. Case No.-375 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

1. GORAKH BIND, Son of Ramdarash Bind, R/V- Chousa, Akhaouripur Gola, P.S- Buxar (M) Dist- Buxar
2. Nachas Bind @ Nachak Bind, Son of Ramdarash Bind, R/V- Chousa Akhaouripur Gola, P.S- Buxar (M) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023

Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Buxar (M) P.S. Case No. 375 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

In the stair case of the house, there is alleged recovery of 117 liters country made liquor. Petitioner nos. 1 and 2 are brothers.

Learned counsel for the petitioners submits that the recovery is from the stair case of a joint family property. The petitioners are not in any way concerned with the alleged recovery. The recovery is not from the petitioners' possession. Petitioner no. 1 has one antecedent whereas petitioner no. 2 has no antecedents. They



are in custody since 28.08.2022. It is a case of false implication.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, 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 Exclusive Special Judge, Excise Court No.1st, Buxar, in connection with Buxar (M) P.S. Case No. 375 of 2022, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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