

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62658 of 2022

Arising Out of PS. Case No.-481 Year-2022 Thana- BAGHA District- West Champaran

1. Ravindra Patel, Male, aged about 35 years, S/O Late Raj Kumar Patel R/O Village- Rajju Mithanpura, P.S- Mithanpura, District- Muzaffarpur
2. Krishna Kumar, Male, aged about 40 years, S/O Late Prabhu Mahto R/O Village- Ramdyalu Nagar Mithanpura, P.S- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Bagaha P.S. Case No. 481/2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

One hundred sixty three litres (163 L) Indian made foreign liquor has been recovered from the vehicle. Petitioner No. 1 is alleged to be driver and petitioner No. 2 is passenger.

It is submitted by the petitioners' counsel that petitioner No. 1 was near the place of recover and petitioner No. 2 had taken a lift in the vehicle and has become victim of the circumstance. Having no criminal antecedents, they were falsely implicated under suspicion, and is in custody since 07.07.2022.

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 Special Judge, Excise, Bagaha, West Champaran, in connection with Bagaha P.S. Case No. 481 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 petitioners' 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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