

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62242 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MADHEPUR District- Madhubani

1. Kunwar Kant @ Kaila S/O Rajdhar Yadav @ Rajdhar Prasad Yadav R/O Mangasinghaul, P.S- Marauna District- Supaul
2. Vivek Kumar Sah S/O Ram Sogarath Sah R/O Village- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with GR No. 665 of 2022, arising out of Madhepur PS Case No. 150 of 2022, dated 06-08-2022 registered for the offence punishable under Sections 272, 273, 414 and 120B of the Indian Penal Code and Section 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

On receiving intimation regarding distribution of liquor by seven persons, the police has arrived at orchard near the *Kabristan*.

Learned counsel for the petitioners submits that the petitioners have allegedly been apprehended while they were fleeing away. Even as per the allegation, there is no recovery from their possession. In fact, they were passerby and have become victim of the circumstance. The other co-accused, namely, Manish Kumar, Raman Kumar Yadav, Dev Sharma, Kaushal Yadav, Rajiv Yadav and Md. Jasim have been allowed bail vide order passed in Cr. Misc. No. 64467 of 2022. Petitioner No.1 has no antecedents whereas petitioner No.2 is on bail in one case pending against him since before. It is



submitted that investigation is complete.

Petitioners are in custody since 07-08-2022.

Learned APP for the State has opposed the prayer for bail. It is submitted that total 177 liters illicit foreign liquor has been recovered and the petitioners have been apprehended from the place of recovery while they were fleeing away.

Considering the rival submissions, nature of alleged arrest of the petitioners, period of custody, claim based on parity, as also 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 Act, Jhanjharpur, in connection with GR No. 665 of 2022, arising out of Madhepur PS Case No. 150 of 2022, dated 06-08-2022, 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.

(Madhuresh Prasad, J)

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