

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64917 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAUTHAM District- Khagaria

Ashish Kumar, Son of Sanjeev Yadav, R/O Village- Kapasiya, P.S.- Saur Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65668 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAUTHAM District- Khagaria

Ranjit Kumar, Son of Satya Narayan Sah, R/O Village- Tilathi, P.S.- Saur Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64917 of 2022)

For the Petitioner/s : Mr.Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 65668 of 2022)

For the Petitioner/s : Mr.Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2023 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 Chautham PS Case No 213 of 2022 registered for the offence



punishable under Section 420 of the Indian Penal Code and Sections 30(a), 32(i) (ii), 41(i)(ii), 36 of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of illicit liquor from two vehicles. From the petitioners' vehicle, bearing Registration No.BR-01-FC0987, the alleged quantum of recovery is 36 liters. Four persons, including the petitioners, are stated to be in the vehicle.

Petitioners' counsel submits that it is a case of false implication. Petitioners has no concern with the alleged recovery. Similarly situated co-accused Kundan Kumar has been allowed bail in Cr.Misc.No.61874 of 2022. It is further submitted that another co-accused Ashutosh Kumar @ Manjit Kumar has also been allowed bail in Cr Misc No.60328 of 2022. Having no antecedents, the petitioners are in custody since 06.08.2022.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of Sri Aditya Suman, learned Special Excise Judge-1st, Khagaria, in connection with Chautham PS Case No 213 of 2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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