

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62660 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- GUTHANI District- Siwan

1. Sushil Thakur, aged about 42 years, Male, Son of Bharat Thakur Resident of Village - Nehra, P.S.- Manigachhi, District - Darbhanga, State - Bihar.
2. Rambabu Mahto, aged about 44 years, Male, Son of Late Vilakchhan Mahto Resident of Village - Jagdishpur, P.S.- Manigachhi, District - Darbhanga, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.
For the Opposite Party/s : Mr. Shaheen Begum, 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 Guthani P.S. Case No. 247/2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

There is alleged recovery of 1913.40 litres (one thousand nine hundred thirteen litres and forty millilitres) illicit liquor from a truck. The 'scorpio' vehicle, in which petitioner No. 1 was allegedly the driver and petitioner No. 2, passenger, was also searched leading to recovery of 172.800 litres (one hundred seventy two litres and eight hundred millilitres).

Learned counsel for the petitioners' submits that it is a case of false implication. The petitioners' have no criminal antecedents. The submission is that seizure is not in accordance with law. It is submitted that liquor does not belong to petitioner No. 1 and in respect of petitioner No. 2, he had just taken a lift in the vehicle and has become victim of the circumstance. Petitioners are in custody since 23.09.2022.



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 Exclusive Special Judge, Excise Court No: 1, Siwan, in connection with Guthni P.S. Case No. 247/2022, 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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