

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62102 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- BYPASS District- Patna

1. Monu Kumar Son of Dinesh Prasad @ Dinesh Chaudhary Resident of- Kath Ka Pul, P.S.- Mehandiganj, District- Patna
2. Shashi Kumar Son of Dinesh Prasad @ Dinesh Chaudhary Resident of- Kath Ka Pul, P.S.- Mehandiganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Kumar
For the Opposite Party/s : Ms. Sangeeta Sharma

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 learned APP for the State.

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

Petitioners seek bail in connection with Bye Pass P.S. Case No. 414 of 2022 registered under Section 30(a) and 36 of Bihar Prohibition and Excise Act.

There is alleged recovery of 768.960 litres IMFL from a truck. The driver has alleged that Ashwini Kumar was consignee of the same which was being sold by the petitioners.

Learned counsel for the petitioner submits that being brothers, they have been implicated in this case on extraneous consideration.



Even as per the prosecution case, there is no recovery from the petitioners and on the statement of co-accused, having no criminal antecedents, they are in custody since 01.10.2022.

Learned APP 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 is inclined to allow the petitioners' prayer for bail. 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 learned Court of Exclusive Special Judge, Excise, Patna City in Bye Pass P.S. Case No. 414 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.

(Madhuresh Prasad, J)

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