

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64400 of 2022

Arising Out of PS. Case No.-725 Year-2022 Thana- FATUA District- Patna

1. Rajiv Kumar, aged about 25 years, Male, Son of Naresh Ray Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
2. Rajan Kumar, aged about 28 years, Male, Son of Jamindar Sah Resident of Village - City Jamunapur, Police Station - Malsalami, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

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

The petitioners seek bail in connection with Fatuha P.S. Case No. 725/2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Amendment Act.

There is alleged recovery of 356.400 litres (three hundred fifty six litres & four hundred millilitres) illicit liquor.

Learned counsel for the petitioners submits that the petitioners were travelling in the vehicle, oblivious of the contents. They have no concern with any recovery of illicit liquor. They also have no criminal antecedents, and they are in custody since 05.10.2022.

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 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, Patna City, in connection with Fatuha P.S. Case No. 725/2022, 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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