

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63065 of 2022

Arising Out of PS. Case No.-409 Year-2022 Thana- FATEHPUR District- Gaya

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1. SURAJ KUMAR S/O RAM CHANDRA MANJHI R/v- Shadil, P.S.- Tankuppa, District- Gaya
 2. RAMESH MANJHI S/o Vikash Manjhi R/v- Shadil, P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s :	Mr Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s :	Mr Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023

Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar through Virtual Mode.

The petitioners seek bail in Fatehpur Police Station (for brevity, **PS**) Case No 409 of 2022 dated 01.07.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

125 liters of illicit Mahua liquor has been recovered from the Auto. Petitioner No 1 is stated to be Driver of the vehicle in question.

It is submitted that in fact the petitioners were passengers and under mistake, petitioner No 1 has been named as the Driver. They were not aware of any illicit liquor being present in the Auto. Having no antecedent, they are in custody since 15.09.2022.



Learned APP has opposed the prayer for bail.

Having considered 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 is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No I, Gaya in Fatehpur PS Case No 409 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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