

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65705 of 2022

Arising Out of PS. Case No.-407 Year-2022 Thana- NAUTAN District- West Champaran

1. Vivek Raj, Male, aged about 24 years, Son Of Motilal Sah R/O Village- Chhota Bariyarpur, P.S.- Chhatauni, District- East Champaran
2. Dashrath Mahto, Male, aged about 20 years, Son Of Sadhu Mahto R/O Village- Kasba, Patwada, Lala Tola, Ward No.01, P.S.- Motihari Mufassil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 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 Nautan P.S. Case No. 407/2022 registered for the offence punishable under Section 414 of the Indian Penal Code (for brevity 'I.P.C.') and 30(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution alleges recovery of 146.880 litres (one hundred forty six litres & eight hundred eighty millilitres) of illicit liquor from the petitioner.

Learned counsel for the petitioner submits that they were travelling home after some pilgrimage and have been implicated by the police under extraneous considerations. They have no criminal antecedents and recovery is not from their conscious possession. It is submitted that investigation is complete. They are stated to be in custody since 29.07.2022.



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

Considering the rival submissions, manner of recovery, clean antecedents, 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 Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 407/2022, 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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