

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67807 of 2022

Arising Out of PS. Case No.-296 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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1. Ashok Singh (Male-53) S/O Late Shiv Nath Singh Resident of village-Matihani, P.S.- Matihani, District- Begusarai.
 2. Jitendra Singh, (Male-32) S/O Late Baijnath Singh Resident of village-Matihani, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Excise P.S. Case No. 296 of 2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 607.320 litres (six hundred seven litres & three hundred twenty millilitres) illicit liquor from the petitioner's house.

Learned counsel for the petitioners submits that recovery is from the abandoned portion of the house, to which one and all have access. Petitioners, therefore, cannot be held responsible for the alleged recovery. Recovery, however, is disputed and it is submitted that the same is not in accordance with the mandatory procedure. Petitioner's are in custody since 23.10.2022. It is submitted that investigation is complete.

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

Considering the rival submissions, 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-II, Begusarai, in connection with Excise P.S. Case No. 296 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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