

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68684 of 2022

Arising Out of PS. Case No.-750 Year-2022 Thana- ALAMGANJ District- Patna

1. Arvind Kumar Son Of Kishan Ray @ Kishun Ray R/O- Shish Mahal Colony, Hamam Par, P.S.- Khajekalan, Distt.- Patna
2. Babloo Kumar Son Of Sewak Ray R/O- Pani Tanki Neem Tal, P.S.- Alamganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash, Adv.

For the Opposite Party/s : Ms.Asha Kumari, 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 Alamganj PS Case No. 750 of 2022, dated 24-09-2022 registered for the offence punishable under Section 30(a) and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation in the First Information Report (*for brevity FIR*) from an open place 60 liters *Mahua* liquor has allegedly been recovered. Petitioners have been apprehended at the place of recovery.

It is submitted that the recovery is from an open place as per allegation, having access to one and all, for which, no criminality can be attributed to the petitioners. Being in the vicinity, they have become victim of the circumstance. It is submitted that investigation is complete.

The petitioners are in custody since 24-09-2022 though they have no antecedents.



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

Considering the rival submissions, manner of petitioner's implication, period of custody, clean antecedent as also 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 Alamganj PS Case No. 750 of 2022, dated 24-09-2022, 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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