

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19165 of 2019

Arising Out of P.S. Case No.-12 Year-2019 Thana- NTPC KHAIRA District- Aurangabad

1. PRABHAT KUMAR MEHTA, aged about 23 years, Male, Son of Nandlal Kumar Mehta Resident of Village - Karar Kala, P.S.- Patan, Distt – Palamu (Jharkhand)
2. Mukesh Kumar Singh, aged about 19 years, Male, Son of Prem Sagar Singh Resident of Aaudhar Ashram, P.S.- Daltanganj, Distt – Palamu.(Jharkhand) at Permanent resident of Village - Kathautiya, P.S.- Pandwa, Distt – Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Arbind Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-04-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody in connection with C.I.S.No.165 of 2019/NTPC Khaira P.S.Case No.12 of 2019 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police personnel is that two Scorpio vehicles were intercepted and nine persons including the petitioners were apprehended. On search from one Scorpio vehicle, 300 litres and from the other Scorpio



vehicle 360 liters of country made liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, nothing has been recovered from their possession and they were just co-passengers in the said vehicles. He submits that one of the co-accused apprehended along with the petitioners has already been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.18962 of 2019 dated 28.03.2019. He further submits that the petitioners are in judicial custody since 13.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record as well as the fact that the petitioners do not bear any criminal antecedent as stated in para-3 of the present application, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with C.I.S. No.165 of 2019/NTPC Khaira P.S. Case No.12 of 2019 to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, subject to the



condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(Nilu Agrawal, J)

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