

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26205 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- BHAGWANGANJ District- Patna

1. SANJAY KUMAR Son of Late Bipin Singh Resident of Village - Khainiyachak, P.S.- Bhagwanganj, Distt - Patna.
2. Lawkesh Kumar Son of Ramadhar Singh Resident of Village - Khainiyachak, P.S.- Bhagwanganj, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Special Case No. 2833 of 2019, arising out of Bhagwanganj P.S. Case No. 26 of 2019 for offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that the petitioners were apprehended with 15 litres of country-made Mahua wine concealed in the motorcycle. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and



have been falsely implicated in the aforesaid case. He further submits that the seizure-list is not prepared in compliance to Section 100 of the Cr.P.C. and the petitioners are languishing in judicial custody since 16.03.2019.

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

Considering the nature of allegations, period of custody and that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of this application, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna, in connection with Special Case No. 2833 of 2019, arising out of Bhagwanganj P.S. Case No. 26 of 2019, 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 his relationship with the petitioners.

(Nilu Agrawal, J)

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