

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27689 of 2020

Arising Out of PS. Case No.-180 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. JAI PRAKASH KUMAR Son of Ramagya Mahto Resident of Nandwara Chowk Ward No. 6, P.S.- Bairganiya, District- Sitamarhi.
 2. Jaldhar Yadava Son of Ram Ekbal Ray Resident of Laxmipur, P.S.- God, District- Rohtak (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioners and learned
APP for the State.

It is submitted by learned counsel for the petitioners that he seeks permission to withdraw the instant application for bail so far as petitioner no. 2 Jaldhar Yadava is concerned.

In view of the above the application for bail so far as Jaldhar Yadava is concerned, stands dismissed as withdrawn.

The petitioner has filed the instant application for grant of regular bail to the petitioner no.1 in connection with Complaint Case no. C-2/180/2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, 279 litres of nepali saufi wine was recovered from the petitioner while they were trying



to smuggle the same from Nepal into India and they were taken into custody.

It is submitted by learned counsel for the petitioner no. 1 that the allegation of recovery is false and concocted. No incriminating article has been recovered from his possession and he has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner no.1 not having any criminal antecedent and being in custody since 9.3.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner no.1 namely, Jai Prakash Kumar is directed to be enlarged on bail in connection with Complaint Case No. C-2/180/2020 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge, Excise Act, Sitamarhi.

(Partha Sarthy, J)

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