

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24921 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- BARAUNI District- Begusarai

1. Subham Kumar, Son of Manoj Yadav, Resident of Village- Sushil Nagar, P.S.- Muffasil (Singhaul), District- Begusarai.
2. Akash Kumar, Son of Rambilash Yadav, Resident of Village- Bariyahi, P.S.- Barauni (Chakiya), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Uday Chandra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 133.125 litres of liquor was recovered from the *Bari* of petitioners. They were taken into custody.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from their possession. They have been falsely implicated in the case. From the seizure list it would transpire that the alleged place of



recovery is a place behind the house of petitioner no. 2. The petitioners are in custody since 16.12.2020 and the petitioner no. 1 has no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that the petitioner no.2 has an antecedent under the Bihar Prohibition and Excise Act, 2016.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the alleged place of recovery and the petitioners having remained in custody for over 9 months, the petitioners are directed to be enlarged on bail in connection with Barauni (Chakiya) P.S. Case no. 490 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge II-cum-Special Judge, Excise Act, Begusarai.

(Partha Sarthy, J)

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