

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29105 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- MADHEPURA District- Madhepura

1. OM KUMAR @ SAURABH KUMAR Son of Rajendra @ Raja Yadav Resident of Kishanpur, Ward No. -9, P.S.- Sourbazar, District- Saharsa.
2. Bashuki Kumar Son of Buchi Yadav Resident of Village- Tekanma, Ward No. 12, P.S.- Sourbazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 06-12-2021 Heard Mr. Praveen Kumar Agrawal, learned counsel
for the petitioners and Ms. Madhuri Lata, learned Additional
Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with
Madhepura (Barahi O.P.) P.S. Case No. 70 of 2021 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is
that a Maruti Alto car was intercepted by the Police from where
140 litres of illicit foreign liquor has been recovered. The
petitioners along with co-accused Bashuki Kumar was found
sitting in the Maruti Car.



Learned counsel for the petitioners submits that the petitioners are neither the owner nor the driver of the vehicle and illicit liquor has not been recovered either from the conscious possession of the petitioners or the vehicle belonging to them. Learned counsel further submits that the petitioners are in custody since 25.1.2021, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioners are neither the owner nor the driver of the vehicle and they are in custody since 25.1.2021 and there is no likelihood that the petitioners will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular 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 Additional Sessions Judge-cum-Special Judge (Excise), Madhepura, in connection with Excise Case No. 81 of 2021 arising out of Madhepura (Bharahi O.P.) P.S. Case No. 70 of 2021.



It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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