

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35374 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. MUKESH KUMAR Son of Suryadeo Prasad Resident of Village- Dharmpur, P.S.- Chandi, Distt.- Nalanda.
 2. Sadhu Kumar @ Amit Kumar Son of Jaipal Prasad Resident of Village- Salempur, P.S.- Tharthari, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek regular bail in connection with
P.R. Gopalpur P.S. Case No. E-99 of 2021, Special Case No.
490 of 2021 for the offence registered under Sections 30(a),
56(b), 32(i) (iii), 41(i) and 42 of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 3743.280
litres of illicit liquor from a godown and 255 litres from a Tata
Magic vehicle in which the petitioners are stated to have been
found sitting.

The learned counsel for the petitioners has submitted
that the petitioners are innocent, have been falsely implicated in



the present case, are having a clean antecedent and they are languishing in custody since 19.01.2021. The learned counsel for the petitioners has further submitted by referring to paragraph no. 9 of the present petition that the petitioners are neither owner nor driver of the vehicle in question from which the alleged recovery has been made. It is also submitted by referring to paragraph no. 10 of the present petition that the godown in question was taken on rent by one Chandan Kumar with whom the petitioners have no concern. It is also submitted that the petitioners are not the owner of the vehicle in question from which the illicit liquor has been recovered.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the period of incarceration of the petitioners herein, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond 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 P.R. Gopalpur P.S. Case No. E-
99/2021.

(Mohit Kumar Shah, J)

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