

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5324 of 2021

Arising Out of PS. Case No.-401 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. AMAN KUMAR Son of Pintu Singh Resident of Village - Chakiya, P.S.- Saraiya, District - Muzaffarpur
2. Randhir Tiwary @ Prachand @ Prem Chandra Son of Rajendra Tiwary Resident of Village - Chakiya, P.S.- Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Satyendra Naryan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-04-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Saraiya P.S. Case no. 401/2019 registered under sections 272, 273, 353 and 120B of the Indian Penal Code and sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the first information report, it is stated by the informant that he received secret information that a truck which had met with a minor accident was containing illicit liquor of one Shobhit Paswan. It is stated that inspite of police



personnel asking the accused persons not to open the truck/container, the accused persons including the two petitioners herein as also 10 – 15 other persons started an altercation with the police personnel and at the instigation of accused Madheshwar Singh broke open the lock of the container and looted 3 - 4 cartons of liquor.

It is submitted by learned counsel for the petitioners that the allegations with respect to the petitioners are false and concocted. The petitioners have no concern with the truck or the container nor were they arrested at the spot. They have been falsely implicated in the case at the instance of the Chaukidar. The case of the petitioners stand on a similar footing to that of other co-accused who have been enlarged on bail vide orders contained in Annexure 2 series. The petitioners are in custody since 15.10.2020 and have no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration that the petitioners have no criminal antecedents together with the period in custody, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Saraiya P.S.



Case no. 401/2019 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 Special Judge,
Excise Act, Muzaffarpur.

(Partha Sarthy, J)

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