

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3098 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- BELHAR District- Banka

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1. ROUSHAN KUMAR S/o Janardhan Pd. Yadav R/o Village- Mohanpur, P.S.- Dharhara, District- Munger.
 2. Sahil Kumar @ Nikku S/o Late Anil Mandal Resident of Village- Jagdishpur, P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-04-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 252 litres of country liquor was recovered from the vehicle being driven by the petitioner no. 1 and in which the petitioner no. 2 was an assistant.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from their possession or from their vehicle. They have been falsely implicated in the case. They are in custody since 4.9.2021 and



the petitioner no. 1 has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, together with the petitioner no. 2 having an antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no. 2 on bail and his prayer for bail is rejected.

Liberty is granted to the petitioner no. 2 to renew his prayer for bail on completing 1 year in custody.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner no. 1 not having any criminal antecedent, the Court directs the petitioner no. 1 to be enlarged on bail in connection with Special Excise Case no. 663 of 2021 (arising out of Belhar P.S. Case no. 302 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II, Banka.

(Partha Sarthy, J)

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