

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40993 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- FULKAHA District- Araria

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1. JAY PRAKASH YADAV Son of Bindeshwari Yadav Resident of Village- Malehanwar, Ward No. -01, P.S.- Triveniganj, Supaul.
 2. Dinesh Kumar Son of Bedi Yadav Resident of Village- Fulwaria, Ward No. -15, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 At the outset, the learned counsel for the petitioners seeks to correct the date on which the petitioners were arrested, which has been mentioned wrongly in paragraph no. 11 of the present petition. It is stated that the petitioners were actually arrested on 29.5.2021. The learned counsel for the petitioners is permitted to make the necessary correction during the course of the day.

Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in



connection with Fulkaha P.S. Case No. 77 of 2021 corresponding to Special Case No. 512/2021, registered for the offence punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 405 liters of illicit Nepali wine from a Bolero vehicle in which the petitioner no. 1 was found sitting and the petitioner no. 2 is stated to be driving the same.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 29.5.2021. The learned counsel for the petitioners has further submitted that the illicit liquor belongs to someone else and the petitioners were not knowing about the contents of the consignment, which had been loaded in the said vehicle.

Per contra, the learned APP 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 on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Araria in connection with Fulkaha P.S. Case No. 77/2021 corresponding to Special Case No. 512/2021.

(Mohit Kumar Shah, J)

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