

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40822 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. JITENDRA KUMAR Son of Ram Chandra Sah Resident of Village- Madhurapur, P.S.- Bajpatti, District- Sitamarhi.
2. Ehsan @ Md. Ehshan Sheikh Son of Md. Jashim @ Md. Jashim Sheikh Resident of Village- Madhurapur, P.S.- Bajpatti, District- Sitamarhi.
3. Md. Javed @ Md. Javed Alam Son of Md. Jahir Ansari Resident of Village- Madhurapur, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for regular bail arises out of Bajpatti P.S. Case No. 116 of 2021, disclosing offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

The petitioners are in custody since 09.05.2021. Allegedly, 87.600 litres of *Nepali Soufi* wine was recovered by the police kept in a bag, on the basis of secret information. It is



alleged that the said secret information was against Md. Raj on the basis of which a raid was conducted. On seeing the police, the said co-accused Md. Raj managed to flee away, whereas other persons including the petitioners, present at the site, were apprehended.

Learned counsel appearing on behalf of the petitioners has submitted that recovery was made apparently not from the petitioners' possession.

Be that as it may, considering the petitioners' custody since 09.05.2021 and the nature of allegation, as disclosed in the FIR, this application is allowed.

Let the petitioners, above-named, be released on 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 District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in Bajpatti P.S. Case No. 116 of 2021.

(Chakradhari Sharan Singh, J)

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