

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43805 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- FULKAHA District- Araria

1. SUNIL KUMAR S/o Babulal Das Resident of Village - Dharhara, Ward No. -01, P.O. - Narpatganj, P.S. - Fulkaha, District - Araria.
2. Dinesh Kumar @ Dinesh Kumar Das S/o Mahendra Das Resident of Village - Rambishanpur, Ward No. -04, P.S. - Raghobpur, District - Supaul..

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioners seek regular bail in connection with Special Case No. 543/2021 (arising out of Fulkaha P.S.Case No. 84/2021), registered for the offence punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act,



2016.

The allegation is regarding recovery of 405 liters of illicit Nepali liquor from a vehicle.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 12.6.2021. The learned counsel for the petitioners has submitted by referring to paragraph no. 10 of the present petition that the vehicle in question does not belong to the petitioners and the petitioners have been implicated in the present case merely on suspicion.

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 fact that that the vehicle in question from which the



illicit liquor has been recovered is stated not to be belonging to the petitioners and the petitioners are languishing in custody since a long time, 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 (Excise Act), Araria in connection with Special Case No. 543/2021 (arising out of Fulkaha P.S.Case No. 84/2021).

(Mohit Kumar Shah, J)

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