

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56262 of 2021

Arising Out of PS. Case No.-125 Year-2019 Thana- DEHRI TOWN District- Rohtas

1. UPENDRA SINGH @ UPENDRA KUMAR KUSHWAHA S/o POKHRAJ MAHTO R/o VILLAGE-GOPI BIGHA, P.S- DEHRI (M), DISTRICT-ROHTAS.
2. MD. SAFIULLAH ANSARI @ MD. SAFIULLAH @ SARFULLA ANSARI S/o LATE SHIVRATI ANSARI @ SHIVRATI R/o VILLAGE-JAMUHAR, P.S-DEHRI (M), DISTRICT-ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Sr. Advocate
		Mr. Siddharth Harsh, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Dehri (Town) P.S. Case No. 125/2019 registered for the offences punishable under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The First Information Report in nutshell is that the Police got secret information that the petitioners being the brick kiln owner with the help of other accused persons brought the consignment of liquor, proceeded towards the place of



occurrence and recovered a total quantity of 4593.60 litres of illicit liquor from a truck standing near the brick-kiln and 1782 litres of the illicit liquor from a pick up van parked near the brick-kiln.

Learned senior counsel for the petitioners submits that the truck and pick up van were not parked inside the brick-kiln and from perusal of the seizure list it would be evident that the vehicles were standing near the brick-kiln. He further submits that other co-accused person namely, Amit Kumar, whose Motorcycle was parked inside the brick-kiln has been granted bail by this Court in Cr. Misc. 53381 of 2021. The petitioners are in custody since 17.5.2021 and 27.5.2021 respectively having no criminal antecedents and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that petitioners have got no criminal antecedents, they are in custody since 17.5.2021 and 27.5.2021 respectively and the fact that the vehicles were not found parked inside the premises of the brick-kiln, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.20,000/-
(Twenty thousand) each with two sureties of the like amount
each to the satisfaction of learned Additional District and
Sessions Judge 2nd – cum – Special Judge, Excise, Rohtas at
Sasaram in connection with Dehri Town P.S. Case No. 125 of
2019.

(Anil Kumar Sinha, J)

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