

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55655 of 2021

Arising Out of PS. Case No.-336 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. CHANDAN KUMAR Son of Upendra Prasad Yadav Resident of Village- Patrang, P.S.- Akbarpur, District- Nawada.
 2. Sujit Kumar S/o Birendra Yadav Resident of Village- Patrang, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-05-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

At the outset, learned Counsel for the petitioners submits that earlier, vide order, dated 01.02.2022, the petitioner no. 2 was granted provisional bail from 01.02.2022 to 10.02.2022 and thereafter the petitioner no. 2 surrendered before the learned Court below on 10.02.2022 and certificate to this effect has been annexed by way of Annexure 5 to the supplementary affidavit.

The petitioners seek regular bail in connection with G.O. Case No. 336 of 2021, registered for the offences punishable under Sections 30 (a)/56 (b) of the Bihar Prohibition



and Excise Act, 2016.

The prosecution case, as per the prosecution Report, is that the excise officials recovered 155 litres of illicit liquor from a motorcycle on which the petitioners were coming.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to oblique motive and they have not committed any offence in the manner alleged. He further submits that the petitioners have no concern with the motorcycle in question and the said motorcycle was parked near Ramdeo Chowk and they were only standing near the motorcycle. He further submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioners are in custody since 29.06.2021, having no criminal antecedent.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that nothing has been recovered from the possession of the petitioners, they have no concern with the motorcycle in question and the petitioners are in custody since 29.06.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.



Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Nawada, in connection with G. O. Case No. 336 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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