

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58905 of 2021

Arising Out of PS. Case No.-511 Year-2021 Thana- KHAGARIA District- Khagaria

1. Suraj Kumar S/O Sanjay Sah R/O Village-Hajipur, Ward No.17, P.S.-Khagaria, District-Khagaria.
2. Kishan Kumar S/O Sanjay Sah R/O Village-Hajipur, Ward No.17, P.S.-Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Khagaria PS case no. 511 of 2021 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 152.280 liters of illicit liquor from the premises of the house of the petitioners.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 04.07.2021. The learned counsel for



the petitioners has further submitted that a bare perusal of the seizure list would show that the illicit liquor has been recovered from a latrine tank situated behind the house of the petitioners which is an open place, hence possibility of planting of illicit liquor cannot be ruled out.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the illicit liquor has neither been recovered from the conscious possession of the petitioners nor from inside the house of the petitioners, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of C.J.M. Khagaria in connection with Khagaria PS case no. 511 of 2021.

(Mohit Kumar Shah, J)

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