

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53347 of 2022

Arising Out of PS. Case No.-708 Year-2022 Thana- DANAPUR District- Patna

1. Rakesh Kumar, Son Of Indradeo Parsad @ Inderdew Prasad, R/O Village- Bari Ghariyari, P.S.- Tarthari, District- Nalanda
2. Raju Kumar Singh, Son Of Veer Bhadur Singh, R/O Village- Sitab Diyara, Chan Chhapra, P.S.- Rewilganj, District- Chhapra
3. Mukesh Kumar, Son Of Akhilesh Prasad, R/O Village- Chandrapura, P.S.- Karay Pashuray, District- Nalanda
4. Chhotu Kumar, Son Of Sunil Mahto, R/O Village- Gonawa, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Danapur P.S. Case No. 708 of 2022 registered
for the alleged offences under Sections 30(a), 32(i), 32(ii) and
41(i)(ii)(iii) of the Bihar Prohibition and Excise Amendment
Act, 2018.

As per prosecution case, recovery of 81.450 litres and



105 litres of illicit liquor was made from two cars, respectively and the petitioners Rakesh Kumar and Raju Kumar were apprehended from the vehicle bearing Registration No. BR-01AX-6592 and petitioner Mukesh Kumar and Chhotu Kumar were apprehended from another car bearing Registration No. BR-01EA-3534.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No recovery has been shown from their conscious possession. The petitioners are neither the owners nor the driver of the seized vehicles and they have no connection with the allegedly seized liquor. Charge-sheet has been submitted in this case and the petitioners are in custody since 20.07.2022. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioners and further considering their period of custody along with submission of charge-sheet, the petitioners above named are directed to be released on 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 Special Excise Judge,



Danapur, Patna, in connection with Special Excise Case No. 1162 of 2022 arising out of Danapur P.S. Case No. 708 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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