

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62917 of 2021

Arising Out of PS. Case No.-323 Year-2021 Thana- KHAIRA District- Saran

1. GAUTAM RAI Son of Shivdat Rai Resident of Village - Banati Patti, P.S. Chapra Muffasil, District - Saran at Chapra.
2. Tarkeshwar Rai Son of Parma Rai Resident of Village - Dumariya Patti, P.S. Chapra Muffasil, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Khaira P.S. Case No. 323 of 2021, registered for the offence punishable under Sections 30 and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 100 liters of country made liquor from the motorcycle stated to be belonging to the petitioners.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they



have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 22.9.2021. The learned counsel for the petitioners has further submitted by referring to paragraph no. 6 of the present petition that the motorcycle in question does not belong to the petitioners and the petitioners were merely passerby when they were apprehended by the police and have been falsely implicated in the present case.

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 the ownership of the motorcycle in question is disputed, apart from the fact that they are having clean antecedent and the petitioners are languishing in custody since about six months, 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, Saran at Chapra in connection with Khaira P.S. Case No. 323 of 2021.

(Mohit Kumar Shah, J)

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