

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52005 of 2022**

Arising Out of PS. Case No.-105 Year-2022 Thana- PASRAHA District- Khagaria

1. Sujeet Kumar Son of Ram Jatan Thakur R/V- Jagatpura, P.S- Matihani, Dist- Begusarai
2. Ujala Kumar Son of Late Jag Narayan Singh R/V- Daniyalpur P.S- Teghra, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 53024 of 2022**

Arising Out of PS. Case No.-105 Year-2022 Thana- PASRAHA District- Khagaria

1. Rahul Kumar Son of Rajendra Yadav R/V- vihat, Maksaspur Tola, P.S- Barauni, Dist- Begusarai
2. Toni Ray Son of Ram Bilash Ray R/V- Pipara Malti, PS- Phulwariya, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 52005 of 2022)

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

(In CRIMINAL MISCELLANEOUS No. 53024 of 2022)

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      19-11-2022                      Since both the applications arise out of from Pasraha P.S. Case No. 105 of 2022, as such, they have been taken up together and are being disposed of by this common order.

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 Pasraha P.S. Case No. 105 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, total 1696.86 liters of Indian made foreign liquor was recovered from three vehicles. The petitioners were apprehended from the spot.

The learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case due to highhandedness of police. Nothing incriminating has been recovered from their person or possession. They have been implicated in this case merely on the basis of suspicion. The petitioners have no concern with the recovered wine in any manner. The petitioners are in custody since 19.06.2022 and the charge sheet has been submitted in this case. Similarly placed co-accused Sandip Kumar, who has also been arrested along with the petitioners, has been granted bail by a Coordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc. No.49675 of 2022.

Learned APP opposes the prayer for bail made on behalf of the petitioners.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the 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-2, Khagaria in connection with Pasraha P.S. Case No. 105 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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