

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66455 of 2021

Arising Out of PS. Case No.-346 Year-2021 Thana- BHAGWAN BAZAR District- Saran

1. RAM EKBAL KUMAR Son of Krishna Prasad Resident of Village - Sahebganj Sonarpatti, Police Station - Chapra Town, District - Saran (Chapra).
2. Gopal Kumar Son of Krishna Prasad Resident of Village - Sahebganj Sonarpatti, Police Station - Chapra Town, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-04-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 30(a) and 37 of the Bihar Prohibition and Excise Act, 2016.

As per allegations in the FIR, 90 litres of liquor was recovered from a tempo and the two petitioners were taken into custody.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from their possession. They are in custody since 18.7.2021 and chargesheet has been submitted in the case. The petitioner no. 2 has no criminal antecedent.



Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the recovery of 90 litres of liquor from the tempo together with the fact that the petitioner no. 1 has antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no. 1 Ram Ekbal Kumar on bail and the application is rejected.

Liberty is granted to the petitioner no. 1 to renew his prayer for bail after completing one year in custody.

Having heard learned counsel for the parties and taking into consideration the petitioner no. 2 not having any criminal antecedent, the petitioner no. 2 Gopal Kumar is directed to be enlarged on bail in connection with Excise Trial no. 994 of 2021 (arising out of Bhagwan Bazar P.S. Case no. 346 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. District & Sessions Judge – cum – Special Judge, Excise, Chapra, District Saran.

(Partha Sarthy, J)

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