

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70819 of 2021**

Arising Out of PS. Case No.-159 Year-2021 Thana- ROSHANGANJ District- Gaya

1. KAUSHAL KUMAR @ KAILASH KUMAR S/O MANOJ SINGH R/o village and P.S.- Chanduati, Distt.- Gaya
2. Rocky Kumar Singh S/o Shyam Singh R/o village and P.S.- Chanduati, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Gauri Shaqnkar Gupta

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 25-05-2022 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Raushanganj (Bankey Bazar) Police Station Case No. 159 of 2021, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on suspicion, searched one Bolero vehicle, parked by the side of the road, and recovered a total quantity of 187 litres of illicit liquor from the said vehicle and the petitioners, who were sitting in the said vehicle, were arrested.



Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case by the police with oblique motive. He further submits that the petitioners were merely standing near the vehicle and they are neither the owner nor the driver of the said vehicle. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 23.11.2021, having no criminal antecedent and charge sheet has already been submitted against them and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioners, charge sheet has already been submitted and the petitioners are in custody since 23.11.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty



thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gaya, in connection with Raushanganj (Bankey Bazaar) Police Station Case No. 159 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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