

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71883 of 2021

Arising Out of PS. Case No.-325 Year-2021 Thana- NAWANAGAR District- Buxar

1. BABLU KUMAR SON OF KRISHNA SINGH RESIDENT OF VILLAGE-ITADHI TOLA, P.S- BIHIYA, DIST- BHOJPUR
2. SONU KUMAR SON OF SHANKAR YADAV RESIDENT OF VILLAGE-MAHADEVGANJ (SONVARSA), P.S- NAWANAGAR, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 450 liters of country made liquor has been recovered from a car and 50 liters of country made liquor has been recovered from a motor cycle. Petitioners are alleged to have fled away from the place of recovery.

Learned counsel appearing for the petitioner submits that petitioners are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioners. Petitioners are neither driver nor owner of the vehicles in question. Petitioners are in custody since 31.08.2021 and investigation in this case is



complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that petitioner No.2 has got criminal antecedent of similar nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner No.2, Sonu Kumar, on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner No.2, shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in the trial.

Considering the facts of the case and the period of custody of the petitioner No.1, let the petitioner No.1, Bablu Kumar, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Buxar in connection with Nawanagar PS case No. 325/2021.

(Prabhat Kumar Singh, J)

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