

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.745 of 2022

Arising Out of PS. Case No.-598 Year-2021 Thana- SHERGHATI District- Gaya

1. VINOD RAI S/o Baldev Rai Resident of Village- Bishambharpur, P.S.- Bihta, Dist- Patna.
2. Aditya Kumar S/o Late Khaderan Thakur Resident of Village- Patsa, P.S.- Bihata, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

As per the prosecution case, on search of a vehicle 175.875 litres of IMFL was recovered and the two petitioners were taken into custody.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the possession of the petitioners. They have been falsely implicated in the case. They are in custody since 24.9.2021 and



investigation in the case has concluded. The petitioner no. 1 has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the petitioner no. 2 having an antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no. 2 on bail and the application is rejected.

Liberty is granted to the petitioner no. 2 to renew his prayer for bail on completing one year in custody.

Taking into consideration the petitioner no. 1 not having any criminal antecedent and investigation in the case having concluded, the Court directs the petitioner no. 1 to be enlarged on bail in connection with Sherghati P.S. Case no. 598 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 Addl. Sessions Judge II-cum-Special Judge Excise Act, Gaya.

(Partha Sarthy, J)

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