

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2104 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- SANOKHAR District- Bhagalpur

1. Suderson Kumar S/O Manadhan Yadav @ Madan Yadav R/V- Rampur, Kharahra, P.S.- Rasalpur, District- Bhagalpur
2. Raunak Kumar S/O Jagat Narayan Yadav R/V- Rampur, Kharahra, P.S.- Rasalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have prayed for bail in a case registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 121.950 litres of I.M.F.L. from a scorpio vehicle bearing registration number JH-17Z-4370. Petitioner No. 1, namely, Suderson Kumar is alleged to be driver and petitioner No. 2, namely, Raunak Kumar is alleged to be owner of the aforementioned vehicle.



It is submitted by learned counsel for the petitioners that petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioners. It is further submitted that petitioners have no concern with the alleged recovery of illicit liquor. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, the petitioner are languishing in judicial custody since 21.11.2022.

In contra, learned A.P.P. appearing on behalf of State vehemently opposed the prayer of bail and submitted that petitioner number 1 is driver and petitioner number 2 is owner of the vehicle from which illicit liquor has been recovered.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge I, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No. 258 of 2022.

The petitioner No. 2, namely, Raunak Kumar is directed to deposit a sum of Rs. 30,000/-(Rupees Thirty Thousands) in the concerned District Legal Services Authority.

The bail bond of the petitioner NO. 2, namely, Raunak Kumar shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000/- (Rupees Thirty Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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