

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5156 of 2023

Arising Out of PS. Case No.-397 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. Sufyan Sah @ Sifiyan Sah S/O Subhan Sah @ Subahan Shah R/O Village- Gayeri, Ward No. 13, P.S.- Araria, Distt- Araria.
 2. Sahzad Alam S/o Alimuddin R/o Village- Raghunathpur, Ward no. 14, P.S.- Araria, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 28-04-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. Petitioners seek regular bail in connection with Excise P.S. Case No. 397 of 2022 dated 11.12.2022 registered for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for petitioners are that the petitioners are young in age and have been falsely implicated in this case after showing false recovery of total 177.300 litres of illicit liquor, infact nothing has been recovered from the conscious possession of the petitioners and the informant has falsely implicated the petitioners under influence, in actual they were sitting in the alleged vehicle in the capacity of driver and co-driver. Further submissions are that seizure of alleged

article was not prepared in compliance with Section 100 of Cr.P.C. as there are no independent local witnesses in the seizure. It is further submitted that the petitioners have been languishing in jail since 11.12.2022 having fair and clean antecedent and against the petitioners the investigation has been completed.

4. Learned APP for the State has opposed the bail prayer of the petitioners.

5. Considering the facts and circumstances of the case and mainly the facts that petitioners have fair and clean antecedent, they are young persons and found in the capacity of driver and co-driver in the alleged vehicle and against them investigation has been completed, in my opinion, a lenient approach can be taken in respect of the petitioners' prayer. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Excise P.S. Case No. 397 of 2022.

(Shailendra Singh, J)

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