

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3214 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- BIRUPUR District- Lakhisarai

1. AMAN KUMAR @ AMAR KUMAR Son of Ramnaresh Singh R/v- Barahiya Maharani Sthan, Ward No. 7, P.S.- Barahiya, District- Lakhisarai
2. TINKU KUMAR @ TINKU KUMAR BHAGAT @ TINKU BHAGAT @ TINKU Son of Shashi Bhagat R/v- Barahiya Maharani Sthan, Ward No. 7, P.S.- Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-04-2023 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 10 litres of mahua liquor from splendor motorcycle which was without number plate and both the petitioners were apprehended on spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. They have no concern with the alleged recovery or with the vehicle in question. Nothing has been recovered from their conscious possession. Seizure list witnesses are police officials and not the



independent witness. They are languishing in judicial custody since 26.10.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Both the petitioners are directed to deposit Rs. 5,000/- (Rs. Five thousand) each in the account of the concerned DLSA.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IV-cum-Special Judge (Excise)I, Lakhisarai in connection with Birupur P.S. Case No. 40 of 2022.

The bail bonds of the petitioners shall be accepted by the learned court below on showing receipts of deposit of Rs. 5,000/- (Five thousand) each by both the petitioners in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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