

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5434 of 2023

Arising Out of PS. Case No.-1293 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

-
1. Nirala Kumar S/O Indradeo Kumar Rai @ Indradev Rai Resident Of Village- Purani Panapur, P.S.- Danapur, District- Patna.
 2. Chhotu Yadav @ Mantu Kumar @ Chhotu @ Mantu Kr. Yadav S/O Late Umashnakar Rai Resident Of Village- Naya Tola, Shaguna, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-04-2023 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), 56(b) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 152.28

litres of I.M.F.L. from a Tempo bearing registration

number BR-01PA-3071. Petitioners are driver and co-

driver of the Tempo in question.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and they have falsely been implicated in the present case. They have no concern with the alleged recovered liquor. Nothing incriminating has been recovered from their conscious possession. Moreover, the petitioners are languishing in judicial custody since 14.12.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In contra, learned A.P.P. vehemently opposed the prayer of bail and submitted that petitioner No. 1, namely, Nirala Kumar is the driver and petitioner No. 2, namely, Chhotu Yadav @ Mantu Kumar @ Chhotu @ Mantu Kr. Yadav is the co-driver of the tempo from which the illicit liquor has been recovered.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period under custody, 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 Excise Court No. III, Gaya in connection with Excise P.S. Case No. 1293 of 2022.

The petitioner No. 1, namely, Nirala Kumar is directed to deposit a sum of Rs. 10,000/-(Rupees Ten Thousands) in the concerned District Legal Services Authority.

The bail bond of the petitioner No. 1, namely, Nirala Kumar shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- (Rupees Ten Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

nirajkrs/-

U		T	
---	--	---	--

