

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4941 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- THawe District- Gopalganj

1. Manish Kumar Son Of Shri Kishun Pasi R/V- Kabilaspur P.S- Thawe, Dist- Gopalganj.
2. Dilip Kumar Son Of Ramchandra Ram R/V- Dewapur Purbi Tola, P.S- Manjhagarh, Dist- Gopalganj.

... .. petitioners /s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the petitioners /s : Mr. Mohammad Sufyan, Adv.
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-03-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Thawe P.S. Case No. 316 of 2022 lodged under Sections 414/34 of the I.P.C. and Section 30(a)/41(i) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, there were three persons going on a tempo, from which three types of wine, which was in total of 137.480 liter has recovered. This is the subject matter of

the present case. One Pawan Kumar was apprehended from the place of occurrence and the present petitioners were alleged to fled away from the said place of occurrence.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that petitioners are in custody since 29.11.2022 having clean antecedent. Counsel submits that petitioners are named in the F.I.R. but they were not apprehended from the place of occurrence and their names have come by virtue of confessional statement of the apprehended person named Pawan Kumar. Counsel further submits that petitioners were just the co-passengers in the tempo.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II – cum – Special Judge Excise – I, Gopalganj in connection with Thawe P.S. Case No. 316 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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