

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5611 of 2023

Arising Out of PS. Case No.-542 Year-2022 Thana- KONCH District- Gaya

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1. Bittu Kumar S/O Jawahar Singh Resident Of Village- Sikaria, P.S.- Jehanabad Karouna, O.P.- District- Jehanabad.
 2. Kedar Singh S/O Dinanath Singh Resident Of Village- Tejpurwa, P.S.- Muffasil District- Saran At Present Resident Of Lr Factory Deepatoli, P.S.- Bit, District- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-07-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners prayed for regular bail in connection with Konch P.S. Case no. 542 of 2022 instituted for the offence under Sections 30(a)/41 of the Bihar Prohibition and Excise Act.

As per FIR, the petitioners were apprehended on the spot and from a tempo total 201.33 liters foreign liquor was recovered and the petitioner no-2 was the driver of the alleged vehicle and the petitioner no-1 was sitting in the said tempo.



Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery nor vehicle in question belongs to them. No any incriminating article has been recovered from their conscious possession. The petitioners are languishing in judicial custody since 19.11.2022.

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

The petitioner No-2, namely, Kedar Singh being driver of the alleged vehicle is directed to deposit a sum of Rs 20,000/- (Twenty Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Konch P.S. Case No. 542 of 2022 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Court No-01, Gaya.

The bail bonds of the petitioner No-2 being driver of the alleged vehicle shall be accepted by the learned court below on showing the receipt of deposit of Rs. 20,000/- (Rs. Twenty thousand) by the petitioner No-2 in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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