

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8638 of 2023

Arising Out of PS. Case No.-560 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

1. VIMAL KUMAR, SON OF KAMLESHWAR SAH R/O VILLAGE- SIRSA BIRAN, P.S.- LALGANJ, DISTRICT- VAISHALI
2. VINESH RAI @ VINESH KUMAR RAI SON OF BYAS RAI
3. VIVEK RAI @ VIVEK KUMAR RAI, SON OF JITENDRA RAI
Both R/O VILLAGE- TARYA SUJAN, P.S.- TARYA KUSHINAGAR,
DISTRICT- KUSHINAGAR, STATE-UTTAR PRADESH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Pronoti Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

Petitioners seek regular bail in connection with
Kuchaikote P.S. Case No. 560 of 2022 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per the prosecution, 161.100 litres of illicit liquor
was recovered from a Xylo car.

The main submissions advanced by the learned
counsel for the petitioners are that during the investigation, the
statements of independent witnesses, who have been shown as



witnesses of seizure, have not been recorded, all the petitioners have fair and clean antecedent and petitioner no.1 is stated to be driver of the alleged vehicle. Further submission is that petitioner Nos.2 and 3 have no connection with the recovered wine and they have been falsely dragged in this case and at the time of search and seizure of the alleged wine, they were going for marketing and they were members of the mob which had gathered at the place of occurrence and due to misunderstanding and ulterior motive, the said petitioners have been made accused. Further submission is that petitioner no.2 is a teacher by profession and petitioner no.3 is a worker of steel binding and the petitioners have been languishing in jail since 01.01.2023 and against them, investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the fact that all the petitioners have fair and clean antecedent and they have been languishing in jail since 01.01.2023 and against them investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail **after framing of charges upon them**, on furnishing bail bonds of



Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Kuchaikote P.S. Case No. 560 of 2022.

Further condition is that the bailors of these petitioners must be the local residents within the jurisdiction of the trial court having sufficient immovable property to the satisfaction of the trial court.

(Shailendra Singh, J)

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