

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7594 of 2023

Arising Out of PS. Case No.-685 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Nishant Ram @ Nishant Raj S/O Binod Mehta R/O Village- Agam Kuan, P.S.- Alamganj, Distt- Patna.
2. Avinash Kumar S/O Shiv Kumar Ram R/O Village- Agam Kuan, P.S.- Alamganj, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioner prayed for regular bail in connection with Mohania P.S. Case no. 685 of 2022 instituted for the offence under Sections 414 of the IPC and Sections 30(a)/41(i)/47 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 119.43 liters English wine from a car bearing Reg. No. BR01-PH-9162, after that this case has been lodged.

Learned counsel appearing on behalf of the



petitioners have submitted that petitioners are innocent and have committed no offence. Petitioner no-1 was driver of one Manish Kumar and petitioner-2 was sitting in the car as friendly and they have no knowledge about loaded wine. They have falsely been implicated in this present case. Petitioners have no concern with the alleged recovered wine or with the place of occurrence. It is further submitted that the car does not belong to them. No any incriminating article has been recovered from their conscious possession. They have got no criminal antecedent. The petitioner is languishing in judicial custody since 17.12.2022.

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

The petitioner is directed to deposit a sum of Rs 10,000/- (Ten Thousand) each 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 Mohania



P.S. Case No. 685 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise-cum-A.D.J.-IV, Kaimur at Bhabhua.

The bail bonds of the petitioners shall be accepted by the learned court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten thousand) each by the petitioners in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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