

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9530 of 2023

Arising Out of PS. Case No.-1089 Year-2022 Thana- JAHANABAD District- Jehanabad

1. Dhiraj Kumar S/O Bijendra Rai Resident Of Village- Rahasha Doyam, P.S.- Bhagwanpur, District- Vaishali At Hajipur.
2. Ajnesh Kumar @ Anjanesh Kumar S/O Sukhnandan Mahto Resident Of Village- Rahasa West, P.S.- Bhagwanpur, District- Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Parihar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2023 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 420, 467, 468, 414 of Indian Penal Code and Section 30(a), 32(i) (ii), 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 218.5 litres of I.M.F.L. from a Bolero pickup vehicle bearing Reg. No. BR-01GE-5645. The petitioner No. 1 (Dhiraj Kumar) is driver of the aforesaid vehicle.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and they have been falsely implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioners. Moreover, they are languishing in judicial custody since 17.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P. vehemently opposed the prayer of bail and submitted that petitioner No. 1 was the driver and petitioner No. 2 was sitting in the vehicle from which illicit liquor has been seized.

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 Special Excise Court No.



II, Jahanabad in connection with Jahanabad Town P.S.
Case No. 1089 of 2022.

The petitioner is directed to deposit a sum of Rs.
10,000/- (Rupees Ten Thousands)each in the concerned
District Legal Services Authority.

The bail bond of the petitioner shall be accepted
by the learned Court below on showing receipt of deposit
of Rs. 10,000/-(Rupees Ten Thousands)each in District
Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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