

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10552 of 2023

Arising Out of PS. Case No.-1011 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Sunil Kumar Son Of Tulsi Mahto R/O Village- Chailaha (CHAILAHAN),
P.S.- Banjariya, District- East Champaran
 2. Tunna Kumar Son Of Saheb Singh R/O Village- Chailaha (CHAILAHAN),
P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Excise P.S. Case No. 1011 of 2022 registered under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 81 liters of country made liquor from the motorcycle. It is further alleged that the petitioner no. 1 is driver of the said vehicle and petitioner no. 2 is the pillion rider of the same.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They



have falsely been implicated in this case. It is further submitted that nothing incriminating has been recovered from their conscious possession and they have no concern with the seized illicit liquor. There is no independent witness of the seizure list. Moreover, They are languishing in judicial custody since 15.10.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioners have been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioners are directed to deposit a sum of Rs. 5,000/- (Rs. Five Thousand) each in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioner on bail. The above named petitioners are directed to be enlarged on bail in connection with Excise P.S. Case No. 1011 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each of them with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. II, East Champaran, Motihari.



The bail bonds of the petitioners shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five Thousand) each in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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