

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8744 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- BAUNSI District- Banka

1. Badal Kumar Son Of Subhash Yadav R/O Diggi Bhelai, P.S.- Murliganj, District- Madhepura
2. Amit Kumar Son Of Domi Yadav R/O Village- Raghunathpur, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners prayed for regular bail in connection with Bounsi P.S. Case no. 255 of 2022 instituted for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 262.965 liters of illicit foreign made liquor from a vehicle bearing Reg. No. BR11H-4688, after that this case has been lodged against the petitioners.

Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and



have committed no offence. The petitioners were waiting for a bus to go to Bhagalpur, suddenly vehicle in question stopped and the inmates of the vehicle fled away and merely on the basis of suspicion they have falsely been implicated in this present case. Petitioners have no concern with the alleged recovery or with the place of occurrence. It is further submitted that neither petitioners are owner nor driver of the seized vehicle and vehicle in question does not belong to them and seizure list has not been prepared as per Section 100 of Cr.P.C. No any incriminating article has been recovered from their conscious possession. Petitioners have got no criminal antecedent moreover, they are languishing in judicial custody since 05.11.2022.

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

The petitioners are directed to deposit a sum of Rs 5,000/- (Five 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 Bounsi P.S. Case No. 255 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 District and Sessions Judge-II, Banka.

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

(Sunil Kumar Panwar, J)

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