

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10622 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- AMBA District- Aurangabad

1. SUNIL KUMAR @ SUNIL BHARDWAJ Son of Late Kalyan Sharma Resident of Village- Noorpur, P.S.- Gulati, District- Bulandsahar (Uttar Pradesh)
2. DOORJEE PHUNTSO KHRIME @ DORJEE PHUNTSO KHIRMA Son of Nima Tserig Khirma Resident of- E-41, Zoo Road, P.S.- Chimpu, District- Ita Nagar (Arunachal Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 02-08-2023 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 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 2625 litres of spirit from a truck bearing Reg. No. UP63J-9397 and apprehended the driver, Sunny Kumar, who disclosed the names of other accused persons as of his associates.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have no concern with the alleged recovery or



with the place of occurrence. The name of the petitioners have been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioners were arrested on spot nor any incriminating article has been recovered from their possession. Pristine Distilleries is a registered compnay having GST number in the name of company and is paying regular excise duty and is authorized for manufacturing of spirit and liquor by the government. The petitiioenr no. 1 is the signatory authority and petitioner no. 2 is proiprietor of the said company. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 15.07.2022 passed in Cr. Misc. No. 29774 of 2022. They are languishing in judicial custody since 28.11.2022.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, 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 Jude, Excise-I, Aurangabad in connection with Amba PS
Case no. 34 of 2021.

(Sunil Kumar Panwar, J)

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