

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11073 of 2023

Arising Out of PS. Case No.-861 Year-2022 Thana- NAUBATPUR District- Patna

1. Rahul Kumar Son Of Upendra Singh Resident Of Village - Ghughi, P.S.- Amba, District - Aurangabad, At Present Magistrate Colony, P.S.- Rajeev Nagar, District - Patna.
2. Gaurav Anand Son Of Bharat Deo Prasad Resident Of Village - Jagdeo Path, Mayur Vihar Colony, P.S.- Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jay Ram Prasad
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners prayed for regular bail in connection with Naubatpur P.S. Case no. 861 of 2022 instituted for the offence under Sections 30(a), 32(ii)(iii), 36 & 41(i)(ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 317 liters illicit liquor from a vehicle bearing Registration no. BR01-FR-9973 and the petitioner no.1 is alleged to be owner and petitioner no.2 is driver of the said vehicle.

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



no offence. They has falsely been implicated in this present case. A statement has been made in para-3 of the petition that the petitioners have got no criminal antecedent. Petitioners have no concern with the alleged recovery of illicit liquor. Nothing has been recovered from conscious possession of the petitioners. Moreover, the petitioners are languishing in judicial custody since 30.12.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that both the petitioners have apprehended on spot with the seized vehicle from where the recovery has been made.

The petitioner no.1, namely Rahul Kumar, being owner of the seized vehicle, is directed to deposit a sum of Rs 10,000/- (Ten Thousand) 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, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Naubatpur P.S. Case No. 861 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 Special Excise Judge,



Danapur at Patna.

The bail bonds of the petitioner no.1 namely, Rahul Kumar shall be accepted by the learned court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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