

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13509 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- HUSSAINGANJ District- Siwan

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Firoz Ansari S/O Late Aalim Ansari Resident of Village- Habibnagar
(Shankarpur), P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 13507 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- HUSSAINGANJ District- Siwan

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Rakesh Kumar Yadav @ Rakesh Ku. Yadav Son of Late Gauri Shankar Yadav
Resident of Village - Habibnagar, P.S.- Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

(In CRIMINAL MISCELLANEOUS No. 13509 of 2023)

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 13507 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-05-2023 1. Both the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and decided by a common order.
2. Heard learned counsels for the petitioners and the learned APPs for the State.
3. Petitioners seek regular bail in connection with Hussainganj P.S. Case No. 285 of 2022 dated 26.10.2022 registered for the offence punishable under Section 30(a) of

Bihar Prohibition and Excise Act.

4. The main submissions advanced by learned counsel for the petitioner Rakesh Kumar Yadav @ Rakesh Ku. Yadav are that the instant matter relates to the recovery of 468 litres of country made liquor but the petitioner was not arrested at the spot and he was arrested two months after the alleged recovery of wine, the seizure witnesses before whom the recovery of alleged wine was made are members of the raiding party and accordingly, there is no independent witness of the alleged recovery of wine and against the petitioner there is criminal antecedent of one case in which he is on bail.

5. Learned counsel for the petitioner Firoz Ansari submits that this petitioner's name came into light in the statement of co-accused Rakesh Kumar Yadav and he was also not arrested at the spot and he is neither owner nor driver of the alleged vehicle, though against him there are criminal antecedents of two cases but he is on bail in both the cases of his antecedents. Further submission is that the seizure list was not prepared in accordance with law as provisions of Section 100 of Cr.P.C. were not followed by the police party.

6. Learned APPs for the State have opposed the bail prayer of the petitioners.

7. Considering the above submissions and mainly the facts that both the petitioners were not arrested at the spot and in the trial of the petitioners most of the witnesses, who are to be examined, are official persons and against the petitioners the investigation has been completed, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Hussainganj P.S. Case No. 285 of 2022.

(Shailendra Singh, J)

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