

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12912 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

1. Amit Kumar Yadav S/O Ashok Kumar Yadav Resident Of Village- Jahangirpur, P.S.- Chhibra Mau, Dis Kannauj (UP).
2. Shahdeo Kumar S/O Ramratan Resident Of Village- Chilmiliya, P.S.- Chhibram, Mau, District- Kannauj, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-04-2023 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 420, 467, 468, 414 of Indian Penal Code and Sections 30(a), 32(2),(3), 41(i),(2) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 1241.46 litres of I.M.F.L. from a Bolero Pickup bearing Reg. No. UP-23T-6637. The petitioner No. 1, namely, Amit Kumar Yadav is driver and petitioner No. 2, namely,



Shahdeo Kumar is co-driver of the aforesaid vehicle.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in the present case. They have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Petitioners are languishing in judicial custody since 07.01.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In contra, learned A.P.P. vehemently opposed the prayer of Bail and submitted that petitioners are driver and co-driver of the vehicle from which huge amount of liquor has been seized.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period under custody, 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 Exclusive Special Excise Court No. II, Siwan in connection with Bhagwanpur Hat P.S. Case No. 08 of 2023.

The petitioner No. 1, namely, Amit Kumar Yadav is directed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousands) in the concerned District Legal Services Authority.

The bail bond of the petitioner No. 1, namely, Amit Kumar Yadav shall be accepted by the learned Court below on showing receipt of deposit of Rs. 20,000/- (Rupees Twenty Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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