

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13886 of 2023

Arising Out of PS. Case No.-609 Year-2022 Thana- BAKHTIARPUR District- Saharsa

1. NITISH YADAV @ NITISH KUMAR (M), aged about 29 years, Son of Damodar Yadav
2. KRISHNA KUMAR KANHAIYA @ BIRBAL(M), Age 31 years, Son of Sita Ram Yadav R/v- Tirasi, P.S.- Simri Bakhtiyarpur (Kanaria O.P.) Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 05-05-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Bakhtiarpur P.S. Case No. 609 of 2022 dated 22.11.2022 registered for the offence(s) punishable under Section(s) 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioners are that though the instant matter relates to the recovery of 104.715 litres of Indian made foreign liquor from a truck but both the petitioners were not apprehended at the spot and their names came into light in the statements of the arrested co-accused persons and they have falsely been implicated in this case. Further submissions are that both the petitioners had no connection with the alleged vehicle



from which the wine was allegedly recovered and they have fair and clean antecedent and against them, the investigation has been completed and the arrested co-accused persons disclosed the names of the petitioners being involved in the alleged crime owing to previous enmity and they have been languishing in jail since 30.12.2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the fair and clean antecedent of the petitioners, their custody period and the completion of investigation against them and also the facts that they are not stated to have been arrested at the spot and their names came into light in the statements of arrested co-accused persons, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail in connection with Bakhtiarpur P.S. Case No. 609 of 2022 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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