

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13752 of 2023

Arising Out of PS. Case No.-667 Year-2022 Thana- DARIYAPUR District- Saran

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1. Chandeshwar Ray S/O Late Gorakh Ray Resident Of Village- Garauna, P.S.- Dariyapur, District- Saran At Chapra.
 2. Dharmendra Mahto S/O Late Durga Mahto Resident Of Village- Garauna, P.S.- Dariyapur, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Udai Shankar Singh
For the Opposite Party/s :	Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 130 liters country made liquor near Garauna and the petitioners were arrested on spot who are alleged to be tried to flee away from the place of occurrence.

Learned counsel appearing on behalf of the petitioners have 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. Petitioner has no concern with the alleged recovery of illicit liquor or with the place of occurrence. No any incriminating article has been recovered from conscious possession of the petitioners. It is further submitted that the seizure list witness are police official not a single independent witness which violates section 100 of Cr.P.C. The petitioners are languishing in judicial custody since 12.12.2022.

Learned APP appearing for the State has vehemently 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 released on bail in connection with Dariyapur P.S. Case No. 667 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-Iind-cum-1st Exclusive Special Judge, Excise Saran at Chapra.

(Sunil Kumar Panwar, J)

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