

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19654 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- MUSRIGHRARI District- Samastipur

1. DHARAM Son of Jivan Resident of Village - Dodwan, Daudwa, P.S.-
Bhikagaon, District - Khargaone, State - Madhya Pradesh
2. Bhupendra Son of Bharat Singh Resident of Village - Dodwan, Daudwa,
P.S.- Bhikagaon, District - Khargaone, State - Madhya Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case
instituted for the offence under Sections 30(a), 36, 41(i) of the
Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, there has been recovery of
2194.92 liters of illegal foreign liquor from a truck, which was
being driven by petitioner no. 2 and petitioner no. 1 was sat on
the seat of *Khalasi*.



It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioners have apprehended on spot. He submitted that the petitioner has no concern with the seized liquor. Nothing incriminating article has been recovered from the conscious possession of these petitioners. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody since 31.12.2022.

The application for bail is opposed by learned APP for the State.

The petitioner no. 2 is directed to deposit Rs. 30,000/- (thirty thousand) in the account of concerned DLSA.

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 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 Special Excise Court I, Samastipur in connection with Musrihrari P.S. Case No. 233 of 2022.

The bail bond of the petitioner no. 2 shall be accepted



by the learned Court below on showing receipt of deposit of Rs.
30,000/- (thirty thousand) by the petitioner no. 2 in the account
of concerned DLSA.

(Sunil Kumar Panwar, J)

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