

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19846 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- DARAUNDA District- Siwan

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1. SANDEEP SAH @ BITUL SAH Son Of Late Dashrath Sah Resident Of Village- Rukundipur, P.S. - Daraunda, Dist. - Siwan.
 2. ABHINASH KUMAR Son Of Late Dashrath Sah Resident Of Village- Rukundipur, P.S. - Daraunda, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 10-05-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. Petitioners seek regular bail in connection with Daraunda P.S. Case No. 32 of 2023, dated 07.02.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioners' counsel are that the instant matter relates to the recovery of 95.4 litres of *foreign liquor* and 9 litres of *country-made wine* and the same were stated to have been recovered from the house of the petitioners but in actual the said house is in joint possession of the family members of the petitioners and the petitioners were arrested merely on suspicion and the recovery of the alleged wine was not made from the conscious possession of the petitioners and they



have been languishing in jail since 07.02.2023 having fair and clean antecedent and against them investigation has been completed. Further submissions are that in fact, no recovery of wine as alleged in the FIR was made from the house of the petitioners and both the petitioners are students and used to reside in Patna for the purpose of preparation of competitive examination and on 07.02.2023 they visited their house to attend the funeral rites of one of their close relatives but the police implicated them in a false case.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly the clean antecedent of the petitioners and completion of investigation against them, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both 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 the concerned Court in connection with Daraunda P.S. Case No. 32 of 2023.

(Shailendra Singh, J.)

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