

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17857 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Suraj Singh Son Of Jai Prakash Singh R/O Village- Punjabi Colony, Ward
No.5, P.S.- Samastipur, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 19232 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Guddu Kumar Singh S/O Late Ramaswap Prasad Singh R/O Village-
Ahmadpur, Ward No. 6, P.S- Sarairanjan, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26215 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Bindu Choudhary @ Vindu Chaudhary S/O Late Suraj Choudhary Resident
Of Village- Sugauna, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 17857 of 2023)
For the Petitioner/s : Mr.Nirmal Kumar
For the Opposite Party/s : Mr.Md. Shakir Ahmad
(In CRIMINAL MISCELLANEOUS No. 19232 of 2023)
For the Petitioner/s : Mr.Rohit Raj
For the Opposite Party/s : Mr.Md. Shakir Ahmad
(In CRIMINAL MISCELLANEOUS No. 26215 of 2023)
For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Sunil Kumar Pandey



CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 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 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 20.010 litres of Indian Made Foreign Liquor from the tea shop where Bindu Choudhary (petitioner in Cr. Misc. No. 26215 of 2023) works. It is further alleged that Suraj Singh (petitioner in Cr. Misc. No. 17857 of 2023), Bindu Choudhary (petitioner in Cr. Misc. No. 26215 of 2023) and Guddu Kumar Singh (petitioner in Cr. Misc. No. 19232 of 2023) were apprehended on spot.

Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and has committed no offence. They have falsely been implicated in the present case.

Cr. Misc. No. 17857 of 2023



The petitioner has no concern either with the alleged recovered liquor or with the co-accused persons. He has no concern with the place of occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner. Moreover, the petitioner is languishing in judicial custody since 3.2.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Cr. Misc. No. 19232 of 2023

The petitioner has no concern either with the alleged recovered liquor or with the co-accused persons. He has no concern with the place of occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted vide para 8 of the petition that the petitioner has gone to the place of occurrence for taking tea and the police official arrested him merely on the basis of suspicion. Moreover, the petitioner is languishing in judicial custody since 3.2.2023.



Cr. Misc. No. 26215 of 2023

Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the recovered liquor or with the co-accused persons. The petitioner is working as staff is the said tea stall and the excise official wrongly alleged that the petitioner is owner of the said tea stall. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 03.02.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

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 Special Judge Excise Court No. II, Samastipur/concerned Court in connection with Samastipur Excise P.S. Case No. 83 of 2023.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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