

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23968 of 2023**

Arising Out of PS. Case No.-3 Year-2023 Thana- KALER District- Jehanabad

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1. Subodh Kumar S/O Late Rajdev Mahto R/O Rajla Vishunpur Mangar, Ps-Kurhani, District-Muzaffarpur, Bihar
  2. Kumar Binu @ Kumar Bind S/O Nagendra Ray R/O Village-Akhtiyarpur Kamtaul, Ps-Kurhani, District-Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Madhukar Anand, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      12-05-2023                      1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Kaler P.S. Case No. 03 of 2023 dated 11.01.2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a) and 42 of Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned counsel for the petitioners are that the instant matter relates to the recovery of 943.2 litres of foreign liquor and the same is stated to have been recovered from a vehicle (*Mahindra Pick Up*) and both the petitioners are stated to have been arrested from the said vehicle but in fact, they were present in the said vehicle in the capacity of driver and co-driver and they were discharging their duties in the said position at the instruction of



vehicle's owner and as per the FIR, Potato was found being loaded in the alleged vehicle and the alleged liquor was hidden beneath the sacks of potato regarding which both the petitioners had no knowledge and moreover, the petitioners have fair and clean antecedent and have been languishing in jail since 13.01.2023. Further submissions are that against the petitioners, the investigation has been completed and there is no independent witness of the search and seizure of the alleged liquor.

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

5. Considering the above submissions and mainly the petitioners' fair and clean antecedent and completion of the investigation against them and also taking into account their profession, 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 Court concerned in connection with Kaler P.S. Case No. 03 of 2023.

(Shailendra Singh, J)

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