

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19834 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- PUSA District- Samastipur

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1. Pankaj Kumar, Son of Jhagru Singh,
 2. Gunjesh Kumar, Son of Ram Sewak Singh.
- Both are R/o village - Morsand Gokhula, P.S.- Pusa, District.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

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

2. Petitioners seek regular bail in connection with
Pusa P.S. Case No. 127 of 2022 dated 06.12.2022 registered for
the offences punishable under Sections 30 (a), 32(i) (ii) and
41(i), (ii) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioners are that the instant mater relates to
the recovery of 108.435 litres of foreign liquor and the same is
stated to have been recovered from *Bathan* of co-accused
Birendra Kumar and both the petitioners were arrested on
suspicion but in actual the petitioners had no connection with
the said place of recovery and as per the prosecution's allegation



both the petitioners and several persons had gathered at the place of recovery and the recovery of the alleged wine is not stated to have been made from the conscious possession of the petitioners, in actual the petitioners were neither arrested at the spot nor found near the place of occurrence and they have been made accused merely on the basis of suspicion. Further submissions are that petitioner no.1 has fair and clean antecedent and against the petitioner no.2 there are criminal antecedents of two cases in which he is on bail and in the present matter the investigation has been completed against both the petitioners and they have been languishing in jail 07.12.2022 and 21.12.2022 respectively and both the petitioners are students and preparing for competitive examination. Further submission is that similarly situated co-accused person namely, Sharwan Kumar @ Sharwan Kumar Singh @ Shravan Kumar Singh has been granted anticipatory bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 15532 of 2023.

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

5. Considering the above submissions and mainly the completion of investigation against the petitioners and also the facts that the alleged recovery of wine was made from the



bathan like hut of co-accused Birendra Kumar and as per prosecution several persons including petitioners were simply found having gathered at the place of recovery, in the opinion of this court, the petitioners deserve to a lenient approach of this court. Accordingly, let the petitioners be released on bail in connection with Pusa P.S. Case No. 127 of 2022 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.

(Shailendra Singh, J)

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