

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22733 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

1. GULAM KADIR (M), aged about 30 years, S/O LATE TASLIM SHAH R/O VILLAGE- HARDIA P.S- PUPRI JANAKPUR ROAD, DISTT.- SITAMARHI
2. AJIT KUMAR (M), aged about 22 years, S/O RAMLALA YADAV @ RAM LAL YADAV R/O VILLAGE- MAHISOUTH, P.S- NANPUR, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anant Kumar I, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-05-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Kochadhaman P.S. Case No. 32 of 2023 dated 28.01.2023 registered for the offence(s) punishable under Section(s) 30(a)/32/41/47 of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioners are that the instant matter relates to the recovery of 624.6 litres of Indian made foreign liquor and the same is stated to have been recovered from a pickup van and as per allegation both the petitioners are stated to have been arrested at the spot from the alleged vehicle but in actual the petitioners were only passersby and they were arrested merely



on suspicion and they have no concern with the seized vehicle or the alleged wine. Further submissions are that the petitioners have fair and clean antecedent and have been languishing in jail since 29.01.2023 and against them, the investigation has been completed and at the time of seizing the alleged wine, the compliance of mandatory provisions of Section 100 of Cr.P.C. were not made by the police.

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

5. Considering the above submissions and mainly petitioners' fair and clean antecedent and the completion of investigation against them and their custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail in connection with Kochadhaman P.S. Case No. 32 of 2023 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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