

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26147 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- BARHIYA District- Lakhisarai

1. Mukesh Kumar Son of Sunil Jha R/V- Bhajangama, PS-Vidyapati, Dist-Samastipur
2. Chandradeo Kumar son of Ravindra Ray R/V- Dalsinghsarai, PS-Dalsinghsarai, Dist- Samastipur
3. Gauri Shanker Pathak @ Gauri Shanker Kumar Son of Yashodhar Pathak R/V- Hasin Chowk, PS- Dalsinghsarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-05-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Barahiya P.S. Case No. 31 of 2023 dated 10.02.2023 registered for the offence punishable under Section 30(a) 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 1246.32 litres of *country made foreign liquor* and the same is stated to have been recovered from two *Bolero Pick Up Vans* and one *Baleno* car and all the petitioners are



young person and as per the allegation, the petitioners were found to be seated in the alleged vehicles at the time of recovery but in actual, petitioner Nos. 1 and 2 were drivers of the seized *Bolero* vehicles and they had no knowledge of the alleged loaded liquor in their vehicles and they were discharging their duties as per the instruction of the vehicles' owner. Further submissions are that as per the allegation, petitioner No. 3 was found being seated in the alleged *Baleno* car, which is under the ownership of one namely Adarsh Kumar, to whom the petitioner No. 3 is servant and he has been made accused in this case mainly on the basis of suspicion and all the petitioners have been languishing in jail since 11.02.2023 and one co-accused Rabin Kumar, who is carrying similar nature of allegation, has been granted bail by this Bench vide order passed in Cr. Misc. No. 22464/2023.

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

5. Considering the above submissions and mainly the petitioners' fair and clean antecedent as well as completion of the investigation against them, in my opinion it is a fit case for bail to the petitioners. Accordingly, let all 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 Barahiya P.S. Case No. 31 of 2023.

(Shailendra Singh, J)

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