

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26138 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- RAJAOLI District- Nawada

PREM SINGH, aged about 38 years (Male), SON OF LATE KAILASH SINGH Resident of village - Lamni Marhi, P.S. - Sirdala, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26741 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- RAJAOLI District- Nawada

UPENDRA SINGH (Male), aged about 25 years, son OF LATE CHANDRADEO SINGH RESIDENT OF VILLAGE- LAMNI MADHI, PS- SIRDALA, DISTT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29535 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- RAJAOLI District- Nawada

MAHESH YADAV @ MAHENDRA PRASAD YADAV, aged about 29 years, Male, S/O BHAIRO YADAV @ BHARO YADAV @ BHAIRO PD. YADAV R/O Village- Kodiya, P.S- Fatehpur (O.P. Gurpa), Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 26138 of 2023)
For the Petitioner/s : Mr.Bijendra Kumar, Advocate
For the Opposite Party/s : Ms.Asha Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 26741 of 2023)
For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP
(In CRIMINAL MISCELLANEOUS No. 29535 of 2023)
For the Petitioner/s : Mr.Sheo Kumar Prasad, APP
For the Opposite Party/s : Mr.Anil Prasad Singh, APP



CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-05-2023 As all the above criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

1. Heard learned counsels for the petitioners and the learned APPs for the State.

2. Petitioners seek regular bail in connection with Rajauli P.S. Case No. 35 of 2023 dated 17.01.2023 registered for the offence(s) punishable under Section(s) 30(a)/41 of the Bihar Prohibition and Excise Act.

3. The common submissions advanced by the learned counsels for the petitioners are that the instant matter relates to the recovery of 1000 litres of country made Mahua wine and the same is stated to have been recovered from nine motorcycles which were seized at the spot and as per allegation 9 accused persons indulged in smuggling of the alleged wine and all the petitioners were arrested on chase near the place of occurrence and they have been languishing in jail since 18.01.2023 and against them, the investigation has been completed and one co-accused, namely, Ajay Kumar, who was arrested along with these petitioners, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.29755 of 2023.



It is submitted by learned counsel for the petitioner (Prem Singh) that this petitioner has only one criminal antecedent in which he is on bail and he has no concern either with the seized motorcycles or seized wine and the alleged wine was not recovered from his conscious possession.

It is submitted by learned counsels for the petitioners (Upendra Singh and Mahesh Yadav @ Mahendra Prasad Yadav) that the petitioners have no criminal antecedent and at the time of arrest, they were grazing their cattle and on suspicion, they were apprehended.

4. Learned APPs appearing for the State oppose the bail prayers of all the petitioners.

5. Considering the above submissions and mainly the custody period of the petitioners and the completion of investigation against them and also the facts that the petitioner (Upendra Singh and Mahesh Yadav @ Mahendra Prasad Yadav) have fair and clean antecedent and the petitioner (Prem Singh) has criminal antecedent of one case in which he is on bail and as per allegation 9 accused persons indulged in smuggling of alleged wine and also the fact that one co-accused, who was arrested along with these petitioners, has been granted privilege of bail by a co-ordinate Bench of this Court, in my opinion, it is



a fit case for bail to the petitioners. Accordingly, let the petitioners named-above be enlarged on bail in connection with Rajauli P.S. Case No. 35 of 2023 on furnishing bail bond 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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