

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26078 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- SHEKHPURA District- Sheikhpura

1. Chandan Kumar @ Chandan Kumar Mahto Son Of Chhote Lal Mahto Resident Of Village - Khajuri, P.S. - Ghatho, Dist. - Samastipur
2. Ganesh Kumar Jha Son of Late Ranjit Kumar Jha @ Ranjit Jha Resident of village - Jhkhra, P.S. - Sarairanjan, Dist. - Samastipur
3. Lakki Kumar Singh Son of Ashok Kumar Singh Resident of village - Bazitpur Meyari, P.S. - Sarairanjan, Dist. - Samastipur
4. Rajesh Kumar Mahto @ Lota Baba Son of Late Mohan Mahto Resident of village - Chakbahabdin, P.S. - Dalsinghsarai, Dist. - 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. Rajesh Kumar, 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 Sheikhpura P.S. Case No. 167 of 2023 dated 20.03.2023 registered for the offences punishable under Sections 30(a), 41 and 32 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 900 litres of foreign liquor from a Mahindra Bolero vehicle and 63 litres of foreign liquor from a Maruti Alto car and as per allegation the petitioners were found being seated in the said Alto car at the time of alleged recovery and infact, the petitioners are quite

innocent and they are students and they are neither sellers nor buyers of the liquor and they were bonafidely travelling in the alleged car having no knowledge of the alleged wine and they have fair and clean antecedent and have been languishing in jail since 21.03.2023. Further submission is that co-accused person Akshya Kumar Singh who was found being seated in the alleged Mahindra Bolero vehicle has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 25933 of 2023.

4. Learned APP for the State opposes the bail prayer of the petitioners.

5. Considering the above submissions and mainly the petitioners' fair and clean antecedent and also the fact that the alleged wine was recovered before the official persons who have been made the witnesses of the alleged seizure, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let 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 concerned Court in connection with Sheikhpura P.S. Case No. 167 of 2023.

(Shailendra Singh, J)

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