

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26126 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Abhishek Kumar S/O Umesh Ray Resident Of Village- Gadhochak, P.S.- Fatuha, District- Patna.
2. Randhir Kumar S/O Suresh Ray Resident Of Village- Gadhochak, P.S.- Fatuha, District- Patna.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-05-2023 1. Heard learned counsel for the petitioners and
the learned APP for the State.

2. Petitioners seek regular bail in connection with
Mohania P.S. Case No. 114 of 2023 dated 17.02.2023
registered for the offences punishable under Section 414 of
the Indian Penal code and Sections 30(a) and 47 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 304.26 litres of *illicit liquor* and the same
is stated to have been recovered from a *Pick UP Van* and as



per prosecution's allegation, both the petitioners were found sitting in the alleged vehicle but in actual, petitioner Nos. 1 and 2 were present in the capacity of driver and co-driver respectively and both the petitioners have fair and clean antecedent and as per the FIR, the alleged liquor as well as the seized vehicle belongs to some other person namely Sideshwar Kumar and both the petitioners were bonafidely discharging their duties as per the instruction of vehicle's owner and they have been languishing in jail since 17.02.2023 and against them, the investigation has been completed.

4. Per Contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record and also the completion of investigation against the petitioners, I deem it fit and proper to admit the petitioners to the privilege of bail.

6. Accordingly, let both 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 Mohania P.S. Case No. 114 of 2023.

(Shailendra Singh, J)

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