

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27011 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- KANHAULI District- Sitamarhi

1. Jagarnath Sahni, Son of Sitaram Sahni, Resident of village - Talkhapur, Badi Bazar, Dumra, P.S. - Punaura, District. - Sitamarhi
2. Rishu Raj, son of Rajan Sah @ Rajan Kumar, Resident of Village - Bhab-depur, P.S. - Righa, District. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad, 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 Kanhauli P.S. Case No. 20 of 2023 dated 02.02.2023 registered for the offence punishable under Section 30 (a) of 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 495 litres of Nepali Saufi liquor and the same is stated to have been recovered from a Maruti Suzuki car and as per allegation both the petitioners were apprehended at the spot but in actual the petitioners were present in the alleged vehicle in the capacity of driver and assistant and they are not the owner of the seized vehicle and they had no knowledge about the alleged loaded liquor and the same was not recovered from their



conscious possession and against the petitioner no. 1 there is no criminal antecedent and against the petitioner no. 2 there is criminal antecedent of one case in which he is on bail. Further submissions are that the petitioners have been languishing in jail since 03.02.2023 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 the petitioners named-above be enlarged on bail in connection with Kanhauli P.S. Case No. 20 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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