

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26760 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- OBRA District- Aurangabad

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1. Pankaj Kumar S/O Late Umesh Mahato Resident Of Village- Hajpurva (Hajipur Basant), P.S.- Runnisaidpur, District- Sitamarhi.
 2. Deepak Kumar S/O Arun Kumar Resident Of Village- B.S.E.B. Colony, Patel Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hridayal Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, 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 Obra P.S. Case No. 78 of 2023 dated 20.02.2023 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 477.75 litres of *country made foreign liquor* and the same is stated to have been recovered from a *Scorpio* vehicle and as per the allegation, both the petitioners are stated to be present in the alleged vehicle at the time of recovery but in actual, the petitioner No 1 was discharging his duty as a driver in the alleged vehicle and petitioner No. 2 was present in the



capacity of passenger in the said vehicle and they had no knowledge about the alleged loaded liquor and the said liquor was not recovered from their conscious possession. Further submissions are that the petitioners have fair and clean antecedent and have been languishing in jail since 21.02.2023 and against them, the investigation has been completed and there is no independent witness of the seizure list.

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 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 Obra P.S. Case No. 78 of 2023.

(Shailendra Singh, J)

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