

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27587 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- FATEHPUR District- Gaya

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1. Umesh Kumar @ Umesh Yadav Kumar S/O Dhanraj Yadav @ Dhanpat Yadav R/O Village- Karmatand, P.S- Fatehpur, Distt.- Gaya.
 2. Mukesh Manjhi S/O Munilal Manjhi R/O Village- Karmatand, P.S- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, 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 Fatehpur P.S. Case No. 194 of 2023 dated 13.03.2023 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 100 litres of *country made illicit liquor* from a motorcycle and 200 litres of *country made illicit liquor* from a car (*Hundai i10*) and as per the allegation, both the petitioners were found sitting in the alleged car but in actual, petitioner Nos. 1 and 2 were bonafidely present in the said vehicle as its driver and co-passenger respectively and they had no knowledge



about the alleged loaded liquor and they had no concern with the alleged liquor as well as the seized vehicle and they have fair and clean antecedent and have been languishing in jail since 15.03.2023 and against them, the investigation has been completed and the seizure list witnesses are police personnel.

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 Fatehpur P.S. Case No. 194 of 2023.

(Shailendra Singh, J)

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