

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27574 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

1. Arbind Kumar Son Of Chinti Mandal R/O Village- Laxmipur, P.S.- Naugachia, District- Bhagalpur
2. Bittu Kumar Son Of Sanjay Mandal R/O Village- Pakara, P.S.- Naugachia, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Kumari, 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 Jagdishpur (By Pass) P.S. Case No. 115 of 2023 dated 05.03.2023 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 758.520 litres of *country made foreign liquor* and the same is stated to have been recovered from two *Pick Up Vans* and as per the allegation, both the petitioners were arrested at the spot from the alleged vehicle bearing registration No. BR-



10GB-1034 but in actual, petitioner No. 1 was performing his duty as a driver in the said vehicle from which 90 litres of the alleged liquor was recovered and petitioner No. 2 was present in the said vehicle as an assistant of the petitioner No. 1 and both the petitioners had no concern with the second Pick Up Van bearing registration No. JH-05CV-4588 from which the major part of the alleged liquor was recovered and both the petitioners had no knowledge of the alleged loaded liquor in their vehicle and they were simply discharging their duties as per the instruction of the vehicle's owner and they have fair and clean antecedent and have been languishing in jail since 06.03.2023 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 Jagdishpur (By Pass) P.S. Case No. 115 of 2023.

(Shailendra Singh, J)

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