

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28109 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Saddam Kha (male), Aged About 30 Years, Son Of Samshad Kha
 2. Azaz Hussain (male), Aged About 23 Years, Son of Laddan Hussain
- Both are residents of Village- Koath, P.S.- Dawath, Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, 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 Durgawati P.S. Case No. 68 of 2023 dated 19.03.2023 registered for the offence(s) punishable under Section(s) 414, 467, 468 of the Indian Penal Code and Section 30(a) of the 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 357.480 litres of Indian made foreign liquor and the same is stated to have been recovered from a Scorpio vehicle and as per allegation, both the petitioners were found seating in the said vehicle but in actual the petitioner no.1 was



present in the capacity of the driver in the said vehicle and petitioner no.2 was present as a passenger and they had no knowledge about the alleged loaded wine, which was not recovered from their conscious possession. Further submissions are that during investigation, no independent witness has supported the allegation levelled against both the petitioners and they have been languishing in jail since 20.03.2023 and recovery of the alleged wine was made before two police personnel who have been made witnesses of the seizure and accordingly there is no chance of tampering with the witnesses by the petitioners, if they are released on bail. Further submission is that the petitioner no.1 has criminal antecedent of one case and petitioner no.2 has fair and clean antecedent 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 Durgawati P.S. Case No. 68 of 2023 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.

(Shailendra Singh, J)

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