

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31651 of 2023**

Arising Out of PS. Case No.-269 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. SHAMBHU PRASAD @ SHAMBHU PRASAD JAISWAL SON OF LATE KAMAL PRASAD Resident of Village- Jeodhara, P.S.-Piprakothi, District-East Champaran at Motihari
 2. SHUBHAM JAISWAL @ SHUBHAM KUMAR JAISWAL SON OF SHAMBHU PRASAD Resident of Village- Jeodhara, P.S.- Piprakothi, District-East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-05-2023 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners have preferred this application for grant of regular bail in connection with Excise P.S. Case No. 269 of 2020 dated 20.08.2020 registered for the offences punishable u/s 30(a), 30(d), 36, 38, 41(i) of Bihar Prohibition and Excise Act.

As per the prosecution case, total 8800 litres of spirit was recovered from a pick-up van.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in



this case. The petitioners were not present at the place of occurrence. The petitioners has no knowledge about the said recovery. Nothing has been recovered from the conscious possession of the petitioners. Similarly situated co-accused has already been granted bail by the co-ordinate bench *vide* order dated 14.12.2020 passed in Cr. Misc. No. 32538 of 2020. The petitioner no. 2 has clean antecedent and the petitioner no. 1 is accused in one more case as stated in para 3 of the bail petition. The petitioners are in custody since 20.03.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Excise P.S. Case No. 269 of 2020.

The application stands allowed.

(Chandra Prakash Singh, J)

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