

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 35320 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- KANTI District- Muzaffarpur

1 Md Rijwan (male), aged about 45 years, son of Sultan Ahmad, Resident of Village – Maniharan, PS – Hasanpur, District – Amrohan (UP)

2 Md Ajim (male), aged about 32 years, son of Samsuddin, Resident of Village – Lalbag Ucha, Ward No 20, PS – Hasanpur, District – Amrohan (UP)

3 Santosh Sahni (male), aged about 23 years, son of Naresh Sahni, Resident of Village – Kushahar, Ward No 1, PS – Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Santosh Kumar, Advocate

For the Opposite Party/s : Ms Nirmala Kumari, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 25-05-2023

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 Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners have preferred this application for grant of regular bail in connection with Kanti Police Station (for brevity, **PS**) Case No 245 of 2023 dated 04.04.2023 registered for the offence punishable under Sections 30 (a), 32 (ii) (iii), 36, 41 (i) (ii) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, total 2563.125 liters of illicit



foreign liquor was recovered from the container. Petitioner No 1 Md Rijwan (owner) and petitioner No 2 Md Ajim were caught and they disclosed the name of petitioner No 3 Santosh Sahni.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent, as stated in paragraph 3 of the bail petition. They are in custody in this case since 05.04.2023.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, period of custody as well as the nature of allegation against the petitioners, the petitioners above named are directed to be released on bail on each of them furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise Court No II, Muzaffarpur in Kanti PS Case No 245 of 2023 dated 04.04.2023.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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