

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34367 of 2023**

Arising Out of PS. Case No.-431 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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1. BABLU KUMAR Son of Sri Umesh Yadav Resident of village - Navtoliya, ward no. 1, P.S. - Madhepura, Distt. - Madhepura
 2. Ratnesh Kumar Son of Sri Sunil Yadav Resident of village - Gouravgarh, P.S. - Sour Bazar, Distt. - Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

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 APP for the State.

The petitioners have preferred this application for grant of regular bail in connection with I.A. No. 1 of 2023 in G.R. No. 1558 of 2023 arising out of Excise Sadar P.S. Case No. 431 of 2023 dated 22.03.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 120.45 litres of illicit



country made liquor was recovered from a Maruti Swift Car. The car was intercepted and two miscreants were apprehended from the spot. They disclosed their names as Bablu Kumar (petitioner no. 1) and Ratnesh Kumar (petitioner no. 2).

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. He has further submitted that the petitioners are not the owner of the seized vehicle whereas petitioner no. 1 is the driver and the petitioner no. 2 is the passenger of the seized vehicle. Nothing has been recovered from the conscious possession of the petitioners. The petitioner no. 1 is an accused in one more criminal case whereas the petitioner no. 2 has got clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 23.03.2023.

Learned A.P.P. for the State has opposed the prayer of 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, Bhagalpur in connection with I.A. No. 1 of



2023 in G.R. No. 1558 of 2023 arising out of Excise Sadar P.S.
Case No. 431 of 2023.

The application stands allowed.

(Chandra Prakash Singh, J)

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