

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36551 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- KANTI District- Muzaffarpur

1. Meena Kumari Wife Of Vinod Kumar Ray@ Vinod Ray Resident Of Village- Sadatpur, Ps- Kanti, Distt- Muzaffarpur
2. Kallu @ Kallu Kumar @ Nitish Kumar Son Of Vinod Kumar Ray @ Vinod Ray Resident Of Village- Sadatpur, Ps- Kanti, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Ms. Rashmi Jha, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kanti P.S. Case No. 270 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016-18.

3. In course of night patrolling, the informant on receipt of information with regard to sale of illicit foreign wine raided the scheduled place. On noticing the police personnels, two persons succeeded in fleeing away after leaving the Scooty bearing Registration No. BR06CB1441. In course of search,



altogether 60.480 litres of Indian made illicit foreign wine was recovered.

4. Learned counsel appearing on behalf of the petitioners submits that the apprehended person disclosed the name of petitioner no. 2, however, the petitioner no. 1 has been made accused in the capacity of the owner of the said Scooty in question. Further submission has been made that the petitioners are persons of fair antecedent and they have no concern with the alleged recovered illicit wine, moreover, recovery has been made near the house of one Awadhesh Ray where the Scooty was parked. She submits that the petitioners undertake that they will fully cooperate in the investigation/trial and will not indulge in intimidating the witnesses and tampering the evidences.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioners and the fact that their names have been disclosed by the apprehended persons, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Court No. II, Muzaffarpur, in connection with Kanti P.S. Case No. 270 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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