

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36679 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Dharmendra Kumar @ Dharmendra Prasad Son of Chandrakeshwar Prasad Resident of village - Ladauli @ Larauli, P.S. - Sidhwaliya, Distt . - Gopalganj
2. Amod Kumar @ Amod Prasad Son of Suraj Prasad Resident of village - Ladauli @ Larauli, P.S. - Sidhwaliya, Distt . - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Sidhwalia P.S. Case No. 113 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The accused/petitioners are named in the F.I.R. and are in custody since 13.04.2023.

The allegation against the petitioners is to have in possession of 207.360 litres of country-made illicit liquor and also found involved in illegal trading thereof.

Learned counsel appearing on behalf of the petitioners



submitted that the alleged country-made illicit liquor recovered from hutment of named co-accused person, namely, Chandrakeshwar Prasad and on the basis of his disclosure, the name of petitioners appears in present case, where during the course of investigation nothing incriminating recovered from their physical possession. It is submitted that both petitioners found involved in one more criminal case, where they are on bail.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no recovery of alleged illicit liquor appears to be made from the physical possession of these petitioners, where petitioners are in custody since 13.04.2023, accordingly, both the petitioners, above named, are directed to be released on bail in connection with Sidhwalia P.S. Case No. 113 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-II-cum-Special Excise Court No.-I, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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