

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40397 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- MEHANDIGANJ District- Patna

1. TINKU KUMAR Son of Birju Prasad @ Birju Mahto Resident of village - Sahebganj, Sonar patti, P.s. - Nagar, Distt. - Saran, A/p resident of Mohalla - Mehndiganj, Tenant in the house of Badri Sao, P.S. - Mehndiganj, Distt. - Patna
2. Rohit Kumar Son of Late Lalan Kewat @ Late Lalan Mahto Resident of mohalla - Mehndiganj, Tenant in the house of Badri Sao, P.S. - Mehndiganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 18-07-2023 1. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.
2. Let the defect(s), if any, be removed within a period of four weeks from today.
3. The petitioners seek bail in connection with Mehndiganj P.S. Case No. 77 of 2023 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.
4. The accused/petitioners are named in the F.I.R. and are in custody since 01.05.2022.
5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 100 litres of IMFL/country made liquor from an open place.



6. Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor made from roadside as per seizure list and not from the physical possession of this petitioner. It is submitted that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner no. 2 is a man of clean antecedent.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor appears from an open place, where petitioners are in custody since 01.05.2023, accordingly, both the petitioners, above named, are directed to be released on bail in connection with Mehndiganj P.S. Case No. 77 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 Exclusive Special Court of Excise, Patna City (Special Judge, Excise), Patna/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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