

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41564 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- KHANPURA District- Samastipur

1. Md. Chand Son Of Late Md. Shamshul @ Late Md. Samsul Resident Of Village - Bahelia Tola, P.S. - Tajpur, Distt. - Samastipur
2. Md. Gulshad Son Of Late Md. Shamshul @ Late Md. Samsul Resident Of Village - Bahelia Tola, P.S. - Tajpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 272, 273 of the IPC and Section 30(a), 30(c) of Bihar Prohibition and Excise Act.

As per prosecution case, co-accused person was apprehended on the spot and from his house total 265 liters illicit liquor was recovered and upon his confession name of the petitioners dragged in this present case.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They



have falsely been implicated in this case merely on the basis of confessional statement of co-accused. Neither the petitioners were apprehended on the spot nor they have any concern with the co-accused persons. It is further submitted that nothing incriminating has been recovered from their conscious possession. The petitioners were remanded in this case from another case and since long they are languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Khanpur P.S. Case No. 28 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Samastipur.

(Sunil Kumar Panwar, J)

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