

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42889 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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1. Sumit Kumar Son Of Shri Mukesh Kumar Resident Of Village- Birdhana, Ps- Dujana, District- Jhajhara, State- Haryana.
 2. Vicky Vivan Son Of Shri Shubsh Vivan @ Subhash @ Subash Resident Of Village- Baund, PS- Baund, District- Bhiwani, State- Haryana.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two weeks from today.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek regular bail in connection with Excise P.S. Case No.44 of 2013 registered on 14.01.2023 lodged under Sections 30(A) and 32(3) of Bihar Prohibition and Excise Act.

4. As per the prosecution case, recovery of 782.640 liter illegal liquor has been made from an ambulance, from which the petitioners were apprehended.

5. Counsel for the petitioners submits that petitioner no.1 is the driver and petitioner no.2 is the *khalasi* of the said ambulance.

6. Counsel further submits that petitioners are innocent and have committed no offence. He further submits that petitioners are in custody since 14.01.2023 and chargesheet has already been filed in this case.

7. Learned counsel for the State opposes the prayer for bail and submits that petitioners appears to be directly involved in the commission of the crime because public did not use to commute from the said ambulance directly.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ADJ IInd-cum-1st Exclusive Special Judge Excise, Saran at Chhapra in connection with Excise P.S. Case No.44 of 2013, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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