

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46387 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

1. Prince Gupta S/O Jay Prakash Gupta R/O Village- Pakrail Bintoli, P.S- Mahesh Khuth, Distt.- Khagaria.
2. Bidhan Kumar @ Vidhan Kumar S/O Late Bankey Yadav R/O Village- Chukti, P.S- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Industrial P.S. Case No. 97 of 2023 registered under sections 30(a) and 32(II) of the Excise Act.

Prosecution case relates to recovery of 123.6 liters of illicit foreign liquor from a Car and this petitioner No.1 is said to be the driver of the said car along with petitioner No.2 who is said to be boarded in the said car. Both of them were apprehended by the police.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case merely on suspicion. It is further submitted that both the petitioners have no knowledge



about the illicit liquor kept in the car, they only on the direction of car owner, namely, Gulo Sah, who said to them to take the Car to one Mahesh Sah and thereafter during the course of checking, they were apprehended. The petitioners have no concern either with the recovered illicit liquor or with the alleged offence. A statement has been made in para-3 of this petition that both the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 19.05.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Industrial P.S. Case No. 97 of 2023 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Bhagalpur.

(Sunil Kumar Panwar, J)

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