

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47868 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- ARIYARI District- Sheikhpura

1. Pappu Kumar Kushwaha Son Of Sri Awadh Kishore Dangi Resident Of Village - Pitiz, P.S. - Itkhor, Distt. - Chatra (Bihar)
2. Sandeep Kumar Son Of Bisheshwar Sao Resident Of Village - Pitiz, P.S. - Itkhor, Distt. - Chatra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners prayed for regular bail in connection with Ariyari P.S. Case no. 176 of 2023 instituted for the offence under Section 30(a), 41, 32 of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioners along with a vehicle was apprehended on the spot and from the alleged vehicle total 216 liters English liquor was recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to high handedness of the police



officials. They have got no criminal antecedent. The petitioners have no concern with the alleged recovery nor vehicle in question belongs to them. No any incriminating article has been recovered from their conscious possession. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioners are languishing in judicial custody since 23.06.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Ariyari P.S. Case No. 176 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 Exclusive Special Excise Judge, Sheikhpura.

(Sunil Kumar Panwar, J)

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