

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49746 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- VAISHALI District- Vaishali

Shiv Chandra Kumar Son of Munarik Rai Resident of Village - Sahdullahpur
Chak Farik, P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50573 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- VAISHALI District- Vaishali

Dilip Kumar S/o Late Raj Kumar Rai R/o Village-Sahdullahpur Chakfarid,
P.S.-Biddupur, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 49746 of 2023)
For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Lakshmi Kant Sharma
(In CRIMINAL MISCELLANEOUS No. 50573 of 2023)
For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case
registered for the offence punishable under Section 30(a), 32(ii),
41(i) of the Bihar Prohibition and Excise Act.



Prosecution case relates to recovery of total 749.88 liter of foreign liquor from a Pick-up bearing Registration No. BR01GE-5880.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have no concern with the alleged recovery of liquor or with the vehicle in question. The petitioners are not the owner of Pick-up rather they are driver and cleaner. No any incriminating article has been recovered from their conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioners are languishing in judicial custody since 05.07.2023

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2-cum-Additional District



and Sessions Judge, Vaishali at Hajipur in connection with
Vaishali (Belsar O.P.) P.S. Case No. 278 of 2023.

(Sunil Kumar Panwar, J)

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