

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54667 of 2023**

Arising Out of PS. Case No.-223 Year-2023 Thana- SONO District- Jamui

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1. ANIL KUMAR RAM SON OF MAHENDRA RAM RESIDENT OF VIL-  
LAGE - GANDAU, WARD NO.4, P.S. - MAHISHI, DISTRICT - SA-  
HARSA
2. NITISH KUMAR CHAUPAL @ NITISH KUMAR SON OF SHYAMNAN-  
DAN CHAUPAL RESIDENT OF VILLAGE - HALGANW, POLICE STA-  
TION - JAMALPUR (BARGANW) O.P., DISTRICT - DARBHANGA
- ... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr.Pramod Kumar   |
| For the Opposite Party/s | : | Mr.Khurshid Anwar |

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      29-08-2023                      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 sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 131.350 litres of illicit wine from a Toyota Corolla Car of which petitioner no. 1 was driver and petitioner no. 2 was sitting beside.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. The alleged vehicle does not belong to the petitioners. Provision of Section



100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Both the petitioners are languishing in judicial custody since 3.7.2023.

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

Both the petitioners are directed to deposit Rs. **5,000/- (Rs. Five thousand)** each in the concerned DLSA.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Jamui in connection with Sono P.S. Case No. 223 of 2023.

The bail bonds of the petitioners shall be accepted by the learned court below on showing receipt of deposit of Rs. **5,000/- (Five thousand only)** each by both the petitioners in the account of concerned DLSA.

**(Sunil Kumar Panwar, J)**

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