

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55783 of 2023

Arising Out of PS. Case No.-546 Year-2023 Thana- SONEPUR District- Saran

1. Prince Raj @ Prince Kumar Son Of Sandeep Kumar Resident Of Village - Garsanda, P.S. - Ramgardh, District - Lakhisarai
2. Gudiya Kumari @ Guriya Kumari @ Shama Pravin Wife Of Kundan Kumar Singh @ Pankaj Kumar Resident Of Village - Garhani, P.S. - Garhani, District - Bhojpur (BIHAR), At Present D/O. Md. Basruddin, Resident Of Village - Begampur, P.O. - Bhojpur Ara, P.S. - Gharhara, District - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Sonepur(Harihar Nath O.P) P.S. Case No. 546 of 2023 registered under sections 30(a), 32(2), 41(i)(ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 177.3 liters of country made liquor from a car and the petitioner No.1 is said to be the driver of the said car and petitioner No.2 is said to be inside the car.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They



have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners and also they have no concern with the alleged recovery. There is no independent witness of the seizure list rather they are police personnel which violates the provision of Section 100 of Cr.P.C. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 29.06.2023.

The application for bail is opposed by learned APP for the State and submitted that petitioner No.1 being the driver of the said vehicle from where the recovery has been made.

The petitioner No.1, namely, Prince Raj is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of the concerned District.

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 Sonapur (Harihar Nath O.P.) P.S. Case No. 546 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 2nd



Exclusive Special Judge, Excise, Saran at Chapra.

The bail bonds of the petitioner No.1 namely, Prince Raj shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner No.1 in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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