

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62529 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

1. Sikendra Kumar Son Of Manghoo Ram @ Mahangu Ray Residnet Of Village- Talwa Pokhara @ Talwa Pokhar, Ps -Kotwa, Distt- Motihari
2. Jitendra Sah Son Of Rameshwar Sah Resident Of Village - Bhopatpur, Ps- Kotwa, Dist- Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Bishambaharpur P.S. Case No. 136 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 26.100 liters of foreign made liquor from the motorcycle of the petitioners and the petitioners were also apprehended on the spot.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to high



handedness of the police officials. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioners and they have no concern with the seized illicit liquor. It is also submitted that the vehicle in question does not belong to the petitioners. Moreover, they are languishing in judicial custody since 24.07.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioners have been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioners are directed to deposit a sum of Rs. 5,000/- (Rs. Five Thousand) each in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the 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 Bishambhar Pur P.S. Case No. 136 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV-cum



Exclusive Special Excise Court-II, Gopalganj.

The bail bonds of the petitioner shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five Thousand) each by the petitioners in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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