

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56967 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- BARAULI District- Gopalganj

1. Dilip Sah @ Dileep Kumar Son Of Nanhu Sah Village Jalpurwa, P.S Barauli, District Gopalganj
2. Rakesh Kumar @ Rakesh Prasad Son Of Suresh Mahto Village Bakhraur, P.S Barauli, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Javed Aslam, learned counsel for the petitioners and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Barauli P.S. Case No.300 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a secret information regarding trafficking of illicit wine conducted raid, however, noticing the police party out of two persons one succeeded in fleeing away and one of them was arrested, who disclosed the name of other accused persons including the petitioner. On search 78.120 liters of illicit wine was recovered.



4. Learned counsel appearing on behalf of the petitioners submits that from the FIR/seizure list, it appears that the alleged recovery has been made from a street near the bank of the river and neither the petitioners have any concern with the vehicles which were seized from the place of the occurrence nor with the illicit wine. He further submits that barring disclosure made by the co-accused that too before the police, there is no other material suggesting the complicity of the petitioners in the present crime. That apart, the petitioner no.2 has no criminal antecedent, whereas petitioner no.1 is carrying a criminal antecedent in which he is on bail.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made near a bank of the river, which is an open place accessible to all and save and except the disclosure made on behalf of the co-accused there is no other cogent material, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of the learned Second Additional District & Sessions Judge-cum-Special Judge Excise, Gopalganj in connection with Barauli P.S. Case No.300 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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