

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61057 of 2023

Arising Out of PS. Case No.-554 Year-2023 Thana- Excise P.S. District- Madhubani

1. MD. NAZIR @ MD. NAJIR SON OF MD. SAKIL RESIDENT OF VILLAGE- JAMUNIYA TOLA, WARD NUMBER- 4, P.S- BABUBARHI, DISTRICT- MADHUBANI
2. DAYANAND SINGH SON OF RAM PARIKSHAN SINGH @ RAM PRAIKSHAN RAUT RESIDENT OF VILLAGE- AAURAHA, WARD NUMBER- 5, P.S- BABUBARHI, DISTRICT- MADHUBANI

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of 855 liters of illegal Nepali liquor from a Pick-up Van.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. He submitted that the petitioners have no concern with the seized wine. He submitted that the the seized vehicle belongs to Ram Parikshan Raut @ Ram



Parikshan Singh (father of the petitioner no. 2) and such they have no knowledge regarding the loaded things on the said vehicle and they have only to obey the order of the owner of the vehicle in question. The provision of Section 100 of the Cr.P.C. has not followed in this case. No incriminating article has been recovered from the conscious possession of these petitioners. They are languishing in judicial custody since 11.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Court below in connection with (Madhubani) Excise P.S. Case No. 554 of 2023.

(Sunil Kumar Panwar, J)

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