

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60966 of 2023

Arising Out of PS. Case No.-712 Year-2023 Thana- Excise P.S. District- Banka

1. Santosh Kumar S/O Shambhu Prasad Singh R/O Vill - Dhamsaini Ward No. 08, Solindabad, Saharsa, P.S. - Saharsa, Distt. - Saharsa
2. Indrajit Kumar Son Of Mahendra Sharma R/O Vill - Dhamsaini Ward No. 08, Solindabad, Saharsa, P.S. - Saharsa, Distt. - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 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 Excise Banka P.S. Case No. 712 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 129.600 liters of country made liquor from a car bearing Reg. No. BRO1PP9172 and the petitioner No.1 is the driver as well as owner of the said vehicle whereas the petitioner No.2 is said to be the passenger of the said vehicle. They were apprehended by the police while chasing.



Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case merely on suspicion. Nothing has been recovered from their conscious possession. It is further submitted that petitioner No.1 is the owner and driver of the said car whereas the petitioner No.2 is the passenger of the seized car. There is no independent witness of the seizure list. 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 13.08.2023.

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 petitioner No.1, namely, Santosh Kumar is directed to deposit a sum of Rs. 20,000/- (Rs. Twenty Thousand) 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 Excise Banka P.S. Case No. 712 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V, Banka.

The bail bonds of the petitioner No.1, namely, Santosh Kumar shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 20,000/- (Rs. Twenty Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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