

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61645 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- KOTWA District- East Champaran

1. Shyamji Kushwaha S/O Late Radhakrishn Kushwaha @ Radha Prasad R/O Village- Rampur Bangra, P.S- Tarya Sujan, Distt.- Kushinagar (U.P).
2. Dharmendra Yadav S/O Late Chathu Yadav R/O Village- Rampur Bangra, P.S- Tarya Sujan, Distt.- Kushinagar (U.P).
3. Chhotan Kushwaha S/O Laxman Prasad Kushwaha R/O Village- Rampur Bangra, P.S- Tarya Sujan, Distt.- Kushinagar (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Nirmala Kumari

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 registered for the offence punishable under sections 272, 273 of the Indian Penal code and sections 30(a), 32, 36, 41(i) of the Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 750 liters of illicit liquor from pickup van and Maruti Alto car and the petitioners are said to have apprehend on spot with the seized vehicles.

4. Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have



committed no offence. They have falsely been implicated in this present case. They have got no criminal antecedent as stated in para-3 of the bail petition. Petitioners have no concern with the alleged recovery or with the vehicles in question. No any incriminating article has been recovered from their conscious possession. It is further submitted that the petitioners are languishing in judicial custody since 25.7.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioners are apprehended on spot with the alleged recovery of illicit.

6. The petitioners are directed to deposit a sum of **Rs 20,000/- (Twenty Thousand) each** in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Kotwa P.S. Case No. 278 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Motihari, East Champaran.



7. The bail bonds of the petitioners shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 20,000/- (Rs. Twenty thousand) by each petitioner** in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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