

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63024 of 2023

Arising Out of PS. Case No.-403 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. Manoj Kumar Gupta, Male, aged about 42 years, Son Of Kailash Prasad, Resident Of Village - Garkha Bazar, P.S.- Garkha, Distt- Saran at Chapra.
2. Umesh Yadav @ Umesh Ray, Male, aged about 36 years, Son Of Ashok Yadav, Resident Of Village -Sadhpur, P.S.- Daudpur, Dist- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Siwan Muffassil P.S. Case No. 403 of 2023 dated 23.07.2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 159.06 litres of different foreign liquor was recovered from the Bolero vehicle and two persons sitting in the said vehicle were apprehended who disclosed their names as Manoj Kumar Gupta (petitioner no. 1) and Umesh Yadav (petitioner no. 2).



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have clean antecedent, as stated in paragraph no. 3 of the bail petition. It is further submitted that recovery of liquor has not been made from conscious possession of the petitioners. There is no compliance of Section 100 of Cr.P.C. The petitioners are in custody in this case since 23.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Siwan, in connection with Siwan Muffassil P.S. Case No. 403 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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