

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62706 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- ROSHANGANJ District- Gaya

1. NIRAJ KUMAR Son of Ramesh Yadav R/o vill - Tendua Pokhar, P.S. - Muffassil, Distt. - Aurangabad
2. DHIRAJ KUMAR @ DHIREN PRASAD @ DHIRAJ PRASAD Son of Late Birbal Prasad @ Birbal Pramod R/o vill - Dubura Khurd, P.S. - Moffasil, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case registered for the offence punishable under sections 414, 120(B)/34 of the Indian Penal Code and section 30(a) and 32 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 108 litres illicit liquor from a stolen tempo and driver managed to escape but both the petitioners were arrested on spot, who were sitting on the behind seat.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed



no offence. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery. Because they are sitting in the alleged tempo as passenger, they were arrested on spot and were implicated in the present case. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioners are languishing in judicial custody since 9.8.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioners are directed to deposit Rs. **5,000/- (Rs. Five thousand)** each in the concerned DLSA.

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 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 Spl. Judge Excise Court No. 03 Gaya in connection with Raushanganj (Bankebazar) P.S. Case No. 233 of 2023.

The bail bonds of the petitioners shall be accepted by the learned court below on showing separate receipts of deposit of Rs.**5,000/- (Five thousand)** each by the petitioners in the



account of concerned DLSA.

(Sunil Kumar Panwar, J)

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