

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65600 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- SANHAULA District- Bhagalpur

1. AMAR SINGH RATHORE Son of Ambika Prasad Yadav @ Ambika Yadav
R/o vill - Araria, P.S. - Parbatta, Distt. - Khagaria
2. Amod Kumar Yadav Son of Srilal Yadav R/o vill - Salarpur, P.S. - Parbatta,
Distt. - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Buddhi Lal Yadav
For the Opposite Party/s :	Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2023 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 section 414 of the Indian Penal Code and Section 30(a), of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of 86.700 liters foreign made liquor from the vehicle and the petitioner and co-accused persons were also apprehended on the spot.

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. The petitioners have no concern with the alleged recovery rather the petitioners are bonafide passengers in the alleged vehicle. No any incriminating article has been recovered from conscious possession of the petitioners. During investigation, it did not come into light that the recovered vehicle is a stolen one. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioners are languishing in judicial custody since 02.05.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sanhoula P.S. Case No. 74 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 Special Judge Excise-II, Bhagalpur District Bhagalpur.

(Sunil Kumar Panwar, J)

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