

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70101 of 2023

Arising Out of PS. Case No.-1527 Year-2023 Thana- Excise P.S. District- Gaya

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1. Munna Kumar Son Of Bilash Ray Village- Dighi Khurd Sarkit House Hajipur Ps- Sadar Dist- Vaishali
 2. Rishabh Kumar @ Golu Kumar Son Of Shyamnandan Singh Village- Deshari Harpur Ps- Deshari Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners have prayed for bail in a case registered for the offence punishable under sections 30(a), 56(b) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 92.625 litres of IMFL from a car bearing Reg. No. BR-31AP-7508. Petitioners are alleged to be apprehended on the spot.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and they have



falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. They have no concern with the seized illicit liquor. There is no independent witness of the alleged seizure. Moreover, the Petitioners are languishing in judicial custody since 28.08.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of bail and submitted that petitioner No. 1, namely, Munna Kumar was driving the aforesaid car, from which liquor has been recovered.

6. 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 Special Judge
Excise Court No. III, Gaya in connection with Excise
Thaana P.S. Case No. 1527 of 2023.

7. The petitioner No. 1, namely, Munna
Kumar is directed to deposit a sum of Rs. 5,000/-
(Rupees Five Thousands) in the concerned District Legal
Services Authority.

8. The bail bond of the petitioner No. 1,
namely, Munna Kumar shall be accepted by the learned
Court below on showing receipt of deposit of Rs. 5,000/-
(Rupees Five Thousands) in District Legal Services
Authority of concerned District.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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