

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75236 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Akash Dhar Dwivedi S/O Vijay Dhar Diwedi Village-Dharahara Mela, P.S.-
Kateya, Dist.-Gopalganj.
2. Nitesh Kumar S/O. Vinod Tatwa Village-Dharahara Mela, P.S.-Kateya,
Dist.-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 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

30(a), 41 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of

209.280 litres of IMFL from a Bolero vehicle bearing

Reg. No. BR-06PA-3091. The petitioners are alleged to

be apprehended on spot.

It is submitted by learned counsel for the

petitioners that petitioners are innocent and they have



falsely been implicated in the present case. They have no concern either with the vehicle or with the recovered illicit liquor. Nothing has been recovered from the conscious possession of the petitioners. There is no independent witness of the alleged seizure. Moreover, the Petitioners are languishing in judicial custody since 07.09.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In contra, learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of bail and submitted that petitioners are apprehended on spot.

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 Additional Session Judge II-cum-Special Judge Excise Court I, Gopalganj in



connection with Sidhwaliya P.S. Case No. 278 of 2023.

The petitioners are directed to deposit a sum of Rs. 5,000/-(Rupees Five Thousands) each in the concerned District Legal Services Authority.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/-(Rupees Five Thousands) separately by both the petitioners in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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