

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72617 of 2023

Arising Out of PS. Case No.-406 Year-2023 Thana- ATRI District- Gaya

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1. RAJIV KUMAR S/O RAMLAKHAN YADAV R/O KUSAILA, P.S-MAHKAR, DISTT.- GAYA.
 2. CHANDU KUMAR S/O UPENDRA YADAV R/O KUSAILA, P.S-MAHKAR, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have prayed for bail registered for the
offence punishable under section 30(a) of Bihar Prohibition and
Excise Amendment Act.

Prosecution case relates to recovery of 25 litres nepali
liquor from a motorcycle upon which both the petitioners were
riding and both were apprehended on spot.

Learned counsel appearing on behalf of the petitioners
has submitted that petitioners are innocent and have committed
no offence. 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 27.08.2023.

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 Exclusive Special Excise Court No. 01, Gaya in connection with Atri P.S. Case No. 406 of 2023.

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

(Sunil Kumar Panwar, J)

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