

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71440 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Vivek Kumar S/O Birendra Manjhi R/O Village- Harkhauli, P.S- Mirganj, Distt.- Gopalganj.
2. Balistar Kumar Sah S/O Asarfi Sah R/O Village- Ramdauli Siraj, P.S- Jamo, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and Mr. Suresh Prasad Singh, learned APP for the State.

2. The petitioners seek bail in connection with Phulwariya P.S. Case No. 324 of 2023 registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, there is recovery of 578 litres of illicit liquor from a stolen Scorpio.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has been falsely implicated in this case due to suspicion. The petitioners are neither the driver nor the owner of the seized Scorpio. Nothing has been



recovered from the conscious possession of the petitioners. The petitioners are in jail since 07.09.2023.

5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Court No. 1, Gopalganj in connection with Phulwariya P.S. Case No. 324 of 2023.

7. The petitioner no. 1 will also mark attendance in Mirganj, Police Station, Gopalganj and petitioner no. 2 will also mark attendance in Jamo, Police Station, Siwan on the first Sunday of each month. Any default in appearance at the Police Station would be result in cancellation of bail bonds of the petitioners.

(Sandeep Kumar, J)

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