

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70169 of 2023

Arising Out of PS. Case No.-1004 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. RAJESH KUMAR S/O RAMDAYAL YADAV VILLAGE- AMARPUR, PS. SONBARSA KACHAHARI, DIST. SAHARSA
2. AJEET KUMAR S/O LATE JANARDHAN PASWAN VILLAGE- BAKHARI, BHAGWANPUR, PS. SOURBAZAR, DIST. SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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 regular bail in a case instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of 77.76 liters of illegal IMFL from Alto Car, which was being driven by the petitioner no. 1 and petitioner no. 2 was sat inside the vehicle.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. He submitted that the petitioners



have no concern either with the seized vehicle or with the wine in question. No incriminating articles have been recovered from the conscious possession of these petitioners. The provision of Section 100 of the Cr.P.C. has not been followed in this case. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody since 27.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Sessions, Judge-IX, Bhagalpur in connection with Kahalgaon P.S. Case No. 1004 of 2023.

(Sunil Kumar Panwar, J)

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