

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70193 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- SAHPUR District- Patna

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1. ANIL RAI @ ANIL KUMAR S/O Late Dev Sakal Rai R/O Village- Nurpur, Chandmari, P.S- Shahpur, District- Patna
 2. Krishna Rai @ Laddu Rai S/O Late Dev Sakal Rai R/O Village- Nurpur, Chandmari, P.S- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar,Adv.

For the Opposite Party/s : Mr.Sharda Kumari,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Special Case No.672 of 2022, arising out of Shahpur P.S. Case No.198 of 2022, registered for the offence punishable under Section 30(a)/ 32(iii)/ 41 of the Bihar Prohibition & Excise Act.

The allegation is regarding recovery of 330 litres of illicit liquor from the house of two petitioners.

The learned counsel for the petitioners



has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 25.09.2022. The learned counsel for the petitioners has further submitted that the house in question, is in joint possession of the petitioners and their family members, hence, the petitioners cannot be saddled with the liability of the illicit liquor seized from their house, more so, since they have not been arrested from the spot.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials on record as also considering the period of incarceration of the petitioners herein, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on



furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Special Case No.672 of 2022, arising out of Shahpur P.S. Case No.198 of 2022.

(Mohit Kumar Shah, J)

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