

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68966 of 2022

Arising Out of PS. Case No.-395 Year-2022 Thana- MAIRWAN District- Siwan

1. Irshad Ahmad @ Irshad Ahammad S/O Asihul Rahman @ Asiullah Resident Of Village- Balapur, P.S.- Barharia, District- Siwan.
2. Arvind Kumar @ Sonu S/O Bharat Pandit Resident Of Village- Balapur, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Mairwa P.S. Case No.395 of 2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution, the police personnel while vehicle checking apprehended this petitioner and one co-accused and recovered total 180.675 litres of foreign liquor from the alleged vehicle.

The main submissions advanced by the learned counsel



for the petitioners are that the petitioners have fair and clean antecedent and have been languishing in jail since 21.10.2022 and against them the investigation has been completed and while making the search and seizure of the alleged wine, the provisions of Section 100 of Cr.P.C were not followed and the alleged seized material as well as vehicle in question did not belong to the petitioners who are young persons. Further submission is that as per the seizure list, the alleged recovery of wine and vehicle were made before the police personnel and accordingly there is no independent witness of the said recovery.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioners' young age, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mairwa P.S. Case No.395 of 2022.

(Shailendra Singh, J)

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