

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69774 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- AMNAUR District- Saran

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1. VIJAY SAH @ BIJAY SAH Son of Prabhu Sah R/V- Chakki Sohagpur, P.S- Paroo Dist- Muzaffarpur
 2. Ajay Sah Son of Sagar Sah R/V- Chakki Sohagpur, P.S- Paroo Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioners seek regular bail in connection with Amnour P.S. Case No. 77 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 430 litres of illicit liquor from the wheat field of the co-accused person, namely, Azad Singh and the said co-accused person including the petitioners herein have been implicated on the statement of the



informant to the effect that they had managed to flee away from the spot.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are languishing in custody since 07.09.2022. The learned counsel for the petitioners has further submitted that the field in question from where the illicit liquor has been recovered does not belong to the petitioners.

Per contra, the learned A.P.P. 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 available on record as also considering the fact that neither the field in question from where the illicit liquor has been recovered belongs to the petitioners nor the petitioners have been arrested from the spot nor any illicit liquor has been recovered from the conscious possession of the



petitioners, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the petitioners, above named, are directed to 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 learned Additional District and Sessions Judge-2nd-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Amnour P.S. Case No.77 of 2022.

(Mohit Kumar Shah, J)

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