

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71528 of 2022

Arising Out of PS. Case No.-346 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Pankaj Kumar Son of Chandrashekhar Rai, R/V- Bakhtiyarpur, Ward no. 10, P.S- Bakhtiyarpur, Dist- Patna
2. Raushan Kumar Son of Bhajan Paswan R/V- Gayashpur, P.S- Salimpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 17-02-2023 Let the defects, 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 Durgawati P.S. Case No. 346 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 acting upon a secret information, stopped and searched the alleged vehicle wherein 135.060 liters of illicit liquor was recovered and these petitioners were also apprehended.

The main submissions advanced by learned counsel for the

petitioners are that both the petitioners were found in the alleged vehicle in the capacity of driver and co-driver and they have clean antecedent and alleged seized liquor belongs to one namely, Vikash Yadav and both the petitioners were not aware of the loaded liquor and they had no concern to the said material when they were apprehended and they have been languishing in jail since 20.11.2022 and the police did not make any independent person witness to the search and seizure of the alleged wine. Further submission is that both the petitioners are very young persons.

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

In view of the facts, as stated above and mainly considering the young age of the petitioners as mentioned in their petition and also the fact that both are stated to be driver and co-driver of the alleged vehicle from which the recovery of the alleged wine was made, in the opinion of this Court, both the petitioners deserve to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Durgawati P.S. Case No. 346 of 2022.

(Shailendra Singh, J)

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