

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75435 of 2023

Arising Out of PS. Case No.-495 Year-2023 Thana- Excise P.S. District- Bhagalpur

1. NITESH KUMAR YADAV Son of Ram Vilash Yadav R/o vill - Khanpur,
P.S. - Pirpanti, Distt. - Bhagalpur
2. Mithilesh Yadav Son of Shamdev Yadav R/o vill - Khanpur, P.S. - Pirpanti,
Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 600 ml.
Country made liquor from a plastic bag kept in motorcycle, and
both the petitioners were arrested on spot.

Learned counsel appearing on behalf of the petitioners
has submitted that petitioners are innocent and have committed
no offence. He has got no criminal antecedent. Provision of
Section 100 CR.P.C. has not been followed by the police



officials while preparing the seizure list. Petitioners are languishing in judicial custody since 27.09.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, 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 Spl. Judge, Exclusive Excise Court no. 1, Bhagalpur in connection with Kahalgaon P.S. Case No. 495 of 2023.

(Sunil Kumar Panwar, J)

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