

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73447 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- HARLAKHI District- Madhubani

1. RAJ KUMAR SADAY @ RAJ KUMAR SADA Son of Virogi Saday Resident of Village- Mangpatti (Bishaul), P.S.- Harlakhi, District- Madhubani
2. KISHUN SADAY Son of Virogi Saday Resident of Village- Mangpatti (Bishaul), P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 10-02-2023

Heard the learned counsel for the petitioners and the

learned APP for the State.

The petitioners seek regular bail in connection with Harlakhi P.S. Case No. 19 of 2022, registered for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 198 liters of illicit Nepali country made liquor from the place of occurrence and the petitioners along with some of the co-accused persons are stated to have fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and are languishing in custody since 17.11.2022. The



learned counsel for the petitioners has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioners nor the petitioners have been arrested from the spot, hence, they are not having any complicity in the matter.

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 available 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 2nd Additional Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No.19 of 2022.

(Mohit Kumar Shah, J)

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