

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78795 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- ROSHANGANJ District- Gaya

1. Shambhu Kumar S/O Hari Bharti @ Hari Rikiyasan @ Hari Bhuiyan Village- Chauritand, Chakerbandha, Ps. Dumariya, Dist. Gaya
2. Subhash Kumar S/O Kailash Bharti Village- Chauritand, Chakerbandha, Ps. Dumariya, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 414/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of 97.200 liters of illegal country-made liquor from a Tempo, which was being driven by the petitioner no. 2 and petitioner no. 1 was sat inside the vehicle.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They



have committed no offence. Petitioners were apprehended on spot. He submitted that the petitioners have no concern with the seized liquor. Nothing incriminating article has been recovered from the conscious possession of the petitioners. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody since 29.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. The petitioner no. 2 is directed to deposit Rs. 5,000/- (Five thousand) in the account of concerned DLSA.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Exclusive Special Excise Judge Court No. III, Gaya in connection with Raushanganj P.S. Case No. 248 of 2023.

8. The bail bond of the petitioner no. 2 shall be accepted by the learned Court below on showing receipt of



deposit of Rs. 5,000/- (Five thousand) by the petitioner no. 2 in
the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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