

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74234 of 2022**

Arising Out of PS. Case No.-261 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

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1. Prem Kumar Thakur Son Of Late Munshi Thakur Resident Of Village - Surjan Pakarhi, P.S.- Siwaipatti, District - Muzaffarpur.
2. Santosh Prasad Son Of Late Kishori Prasad Resident Of Village - Ismiliya, P.S.- Rajepur, District - East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

4      25-04-2023                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

The petitioners have 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 1114.92  
  
litres of Indian Made Foreign Liquor from from a pickup  
  
van bearing registration number BR-06GF-1833. The  
  
petitioners are alleged to be driver and co-driver of the  
  
aforesaid vehicle.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and they have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. They have no concern with the alleged recovery. Moreover, the Petitioners are languishing in judicial custody since 05.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P. vehemently opposed the prayer of bail and submitted that the petitioners are driver and co-driver of the vehicle from which huge quantity of liquor has been recovered.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period under 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 Additional Sessions Judge  
II-cum-Special Judge, Excise Court No. 1, Gopalganj in  
connection with Mohammadpur P.S. Case No. 261 of  
2022.

The petitioner is directed to deposit a sum of  
Rs. 20,000/-(Rupees Twenty Thousands) each in the  
concerned District Legal Services Authority.

The bail bond of the petitioner shall be accepted  
by the learned Court below on showing receipt of deposit  
of Rs. 20,000/-(Rupees Twenty Thousands) each in  
District Legal Services Authority of concerned District.

**(Sunil Kumar Panwar, J)**

Nirajkrs/-

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