

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78169 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- RAJPUR District- Rohtas

1. Gautam Kumar @ Gautam Kumra S/O Sanjay Ram Village- Bhairav Bigha, Ps. Ankorhigola, District- Rohtas
2. Mukesh Kumar S/O Vinod Singh Village- Dahiyar, Ps. Sasaram (M), Dist. Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-12-2023 Heard learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Rajpur P.S. Case No. 182 of 2023 lodged on 14.09.2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018.

3. The learned Advocate for the petitioners submits that in the F.I.R. it is stated that the police officer at Rajpur police station detained these petitioners on 13th September, 2023 and recovered country made Mahua liquor amounting to 5 litres each, total being 14 litres from the possession of these petitioners. However in the seizure list it is written that 17 litres of Mahua liquor was recovered from possession of these



petitioners.

4. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail, this Court is of the view that on the basis of finding made hereinbefore, the petitioners are entitled to be released on bail.

5. Accordingly, these petitioners, above-named, may be granted bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, one of whom must be a local surety, to the satisfaction of the learned Exclusive Special Excise Court No.2 cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Rajpur P.S. Case No. 182 of 2023, with further condition that they must comply the conditions, namely, they would not persuade or threaten the witnesses and would be present in the court below during trial on all dates.

6. Failure on the part of the petitioners to comply with any of the above directions will entail the learned court below to cancel the bail of the petitioners without any further order.

(Bibek Chaudhuri, J)

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