

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3528 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- SAHARGHAT District- Madhubani

1. MD. RAHAMTULLA Son of Md. Sagir Resident of Village- Taralahi, P.S.- Bahadurpur, District- Darbhanga
2. GOPI KAMATI @ GOPI KAMAT Son of Kisun Kamati Resident of Village- Beta Chowk, P.S.- Laheriyasarai, District- Darbhanga

... .. 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. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-04-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Saharghat P.S. Case No.171 of 2022 dated 09.09.2022 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioners are that in the alleged tempo from which the wine was recovered, both the petitioners were present as a driver and co-driver and the alleged wine was not recovered from their conscious possession and they have fair



and clean antecedent and have been languishing in jail since 10.09.2022 and against them the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that in the alleged tempo both the petitioners were found with the alleged wine, so the recovery of the alleged wine was made from their conscious possession.

5. Considering the above submissions and mainly the petitioners fair and clean antecedent and coupled with the submission of chargesheet against them and also taking into account their custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Saharghat P.S. Case No.171 of 2022.

(Shailendra Singh, J)

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