

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.834 of 2023

Arising Out of PS. Case No.-459 Year-2022 Thana- KONCH District- Gaya

1. Abhishek Singh @ Baiju @ Baiju Kumar Son Of Manoj Singh @ Manoj Kumar Singh R/O Village - Alalpur, P.S.- Tekari, District - Gaya
2. Sunny Kumar Son Of Ramdas Singh R/O Village - Alalpur, P.S.- Tekari, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Konch P.S. Case No. 459 of 2022 registered under sections 30(a) and 41 of the Bihar Prohibition of Excise Act, 2018.

As per the allegation in FIR, total 55 litres country made liquor contained in a red coloured plastic sack is said to have been recovered from a black coloured pulsar motorcycle bearing Registration No. JH01DB-9773 and it is alleged that petitioner Abhishek was driving the said motorcycle and petitioner Sunny Kumar was found sitting behind him.



Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that the petitioners have no knowledge about illicit liquor which was being kept in the aforesaid motorcycle and both petitioners are not the owner of the aforesaid motorcycle. Further stated in para- 9 of this petition that the owner of the aforesaid motorcycle is one Julphikar Jawed Khan who has not been made accused in this case. Nothing has been recovered from the conscious possession of the petitioners. They have no concern with the seized illicit liquor. A statement has been made in para- 3 of this petition that they have got no criminal antecedent. They are languishing in judicial custody since 30.09.2022.

The application for bail is opposed by learned APP for the State and submitted that both the petitioners were using the motorcycle with fake number plate.

Both the petitioners are directed to deposit a sum of Rs. 5000/- (Five Thousand) each in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the



petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Konch P.S. Case No. 459 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court No.1, Gaya.

The bail bond of the petitioners shall be accepted by the learned Court below on showing the receipt of deposit of Rs. 5,000/- (Five Thousand) each by both the petitioners in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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