

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80092 of 2023

Arising Out of PS. Case No.-564 Year-2023 Thana- Excise P.S. District- Vaishali

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1. Santosh Kumar S/O Shri Shivrath Rai Village- Chandralaya, Ward No. 4, Ps. Hajipur Sadar, Dist. Vaishali (Hajipur).
 2. Mahendra Rai S/O Late Bhutan Rai Village- Chandralaya, Ward No. 4, Ps. Hajipur Sadar, Dist. Vaishali (Hajipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aniket Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Excise Hajipur P.S. Case No. 564 of 2023 registered for the offence under Sections 30(a), 41(1)(2) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. As per prosecution case, the petitioners are said to have been apprehended on spot with an auto from where, total 180 liters of illicit country made liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The petitioners have no concern with the alleged recover of illicit liquor or with the



seized auto. It is further submitted that the petitioners are languishing in judicial custody since 5.10.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. The petitioner no.1 Santosh Kumar, being driver of the seized vehicle is directed to deposit a sum of **Rs 5,000/- (Five Thousand)** in the District Legal Services Authority of concerned District.

7. Considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Excise Hajipur P.S. Case No. 564 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.2, Vaishali at Hajipur.

8. The bail bonds of the petitioner no.1 shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 5,000/- (Rs. Five thousand)** in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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