

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4388 of 2023

Arising Out of PS. Case No.-710 Year-2020 Thana- ARARIA District- Araria

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1. RAHUL KUMAR @ RAHUL, male, aged about 26 years, Son of Subodh Yadav, Resident of village - Bella Rikabganj, Ward No.- 01, P.S.- K. Nagar, District - Purnea.
 2. Guddu Yadav @ Guddu @ Jaikant Yadav, male, aged about 32 years, Son of Parmeshwar Yadav Resident of village - Dealar Tola, Ward No.- 04, P.S.- K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
		Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s :		Ms.Pronoti Singh, 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 Araria (Bairgachhi) P.S. Case No. 710 of 2020 dated 02.09.2020 registered for the offence(s) punishable under Section(s) 30(a) and 36 of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioners are that the petitioners were not arrested at the spot of the recovery of alleged wine and their names surfaced in the statement of the arrested driver of the alleged vehicle from which the recovery of alleged wine was



made and though against the petitioners, there are criminal antecedents of some cases but they are on bail in all said cases and in the present matter, both have been remanded and since 19.11.2022 they have been languishing in jail in this case and investigation has been completed against them.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioners were not arrested at the spot and their names surfaced in the alleged crime in the statement of driver of the alleged vehicle, who was arrested at the spot, 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 **after framing of charge, if the same has not been framed** in connection with Araria (Bairgachhi) P.S. Case No. 710 of 2020 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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