

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79296 of 2023

Arising Out of PS. Case No.-1157 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. Nitish Kumar Son Of Late Ajay Yadav R/O Village- Mirchayibari, Ward No. 11, P.S.- Jankinagar, Dist.- Purnea
2. Sintu Kumar @ Sintu Kumar Ray Son Of Lalan Prasad Yadav R/O Village/Muhalla- Station Chowk, Ward No. 21, P.S.- Sadar, Dist.- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in a case registered for the offence punishable under sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of total 226.380 liters foreign liquor and 18 liters of beer from a four wheeler vehicle Tata Nexon bearing Reg. No. BR11AW-0973. Both the petitioners were arrested on spot while two other co-accused managed to escape.

4. Learned counsel appearing on behalf of the



petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have no any concern with the alleged recovery of foreign liquor and beer as well as the vehicle in question. No any incriminating article has been recovered from their conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioners are languishing in judicial custody since 13.10.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise-01), Purnea in connection with K. Hat P.S. Case No. 1157 of 2023.

(Sunil Kumar Panwar, J)

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