

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80861 of 2023

Arising Out of PS. Case No.-749 Year-2023 Thana- Excise P.S. District- Aurangabad

1. Raghuv eer Chaudhary Son Of Subedar Chaudhary Resident Of Village- Shivganj, Ps- Madanpur, Dist- Aurangabad
2. Nitish Kumar Son Of Suresh Ram Resident Of Village- Devariya Kala, Ps- Phesar, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case registered for the offence punishable under sections 30(a), 32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

Prosecution case relates to recovery of 315 litre illicit spirit from a Maruti Car and both the petitioners were arrested on spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioner no. 2 and petitioner no. 1 were driver and co-driver respectively of the said vehicle. Provision of Section



100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioners are languishing in judicial custody since 26.09.2023.

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

Petitioners are directed to deposit Rs. **5,000/- (Rs. Five thousand)** each in the concerned DLSA.

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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Aurangabad in connection with Aurangabad Excise Case No. 749 of 2023.

The bail bonds of the petitioners shall be accepted by the learned court below on showing two separate receipts of deposit of Rs. **5,000/- (Five thousand only)** each by the petitioners in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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