

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40263 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- BENIPATTI District- Madhubani

1. Laxman Kumar S/O Fakira Sahni @ Fakira Sahani R/O Village- Mukti Mohallah, Ward No.21, Laheriasarai, Dist- Darbhanga
2. Lal Babu Sah S/O Late Amar Prasad R/O Village- Ratnopatti, Ward No. 9, P.S.- Darbhanga Town, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Benipatti Excise P.S. Case No. 43 of 2024 dated 29.02.2024, instituted for the offence punishable under Sections 30 (A) of the Bihar Prohibition & Excise Act (Amendment) Act, 2018.

3. The allegation is of recovery of 252 litres illicit Nepali liquor from the tempo bearing Registration No. BR 07 PC 1797.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 2 is the driver



and petitioner no. 1 is the passenger of the said tempo from which 252 litres illicit Nepali liquor has been recovered. It is further submitted that the petitioners had no knowledge about the said liquor and the said temp and liquor does not belong to the petitioners. It is further stated that nothing has been recovered from the conscious possession of the petitioner, rather, the same was recovered from the tempo. Lastly, it has been submitted that the petitioners are in custody since 01.03.2024, they have no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd Cum Special Judge Excise Act, Madhubani, in Benipatti Excise P.S. Case No. 43 of 2024.

(Khatim Reza, J)

Sankalp/-

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