

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39109 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- DIGHA District- Patna

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1. Vivek Raj S/O Arun Kumar Singh R/O - Sighinya Khurd, P.S.- Muffasil, Dist- Samastipur At Present Resident Of Rawani Palace, Ground Floor, Flat No. G-03, Kurji Kothiya, Vikas Nagar, P.S.- Digha, Dist- Patna
 2. Rohit Kumar S/O Birju Singh R/O Manpur, P.S.- Maranchi, Dist- Patna At Present Resident Of Rawani Palace, Ground Floor, Flat No. G-03, Kurji Kothiya, Vikas Nagar, P.S.- Digha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rishikesh Chanchal, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks regular bail in connection with Digha P.S. Case No. 223 of 2024, lodged on 12.04.2024 under Sections 414, 420 of the Indian Penal Code read with sections 30(a)/32 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, FIR has been lodged against three named accused persons including the present petitioners and owner of the vehicle. Total 56.34 *litres* of illicit liquor has been recovered which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Counsel also submits that the petitioners were the passer by and the said seized vehicle belongs to the brother in law of the petitioners. Counsel further submits that the criminal antecedent of the petitioner no.1 is not clean and there is one criminal case pending against him and the criminal antecedent of the petitioner no.2 is clean. The petitioners are in custody since 13.04.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the alleged vehicle belongs to the brother in law of the petitioners on which they use to travel and recovery of illicit liquor has been made.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-02, Patna in connection with Digha P.S. Case No. 223 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

Divyansh/-

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