

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72089 of 2024

Arising Out of PS. Case No.-290 Year-2024 Thana- HUSSAINGANJ District- Siwan

1. Vishal Kumar S/o Dadan God Resident Of Village- Balwa, P.S.- Nautan, District- Siwan
2. Nitish Kumar Yadav S/o Sanjay Yadav Resident Of Village- Semria, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for grant of bail in connection with Hussainganj P.S. Case No. 290 of 2024 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The case of the prosecution is that when one Scorpio was intercepted one person tried to flee away and he was apprehended who happens to be petitioner No.1. It is alleged that petitioner No. 2 was apprehended from a bike. On search, altogether, 216 liters of country made liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. Liquor has not been



recovered from their conscious possession. They have no concern with the alleged liquor. Petitioner No. 2 was not apprehended from the Scorpio. It is further submitted by the learned counsel for the petitioner that petitioner No.1 states that the said Scorpio does not belong to him. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. There is no independent witness of the seizure list rather they are police personnel. Moreover, the petitioners are languishing in judicial custody since 15.08.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of this case, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Hussainganj P.S. Case No. 290 of 2024 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Siwan.

(Ashok Kumar Pandey, J)

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