

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83490 of 2023

Arising Out of PS. Case No.-1026 Year-2023 Thana- KHAGARIA District- Khagaria

1. SHIVAM KUMAR SON OF BINDESHWARI MANDAL R/O VILLAGE-VIDYARTHI TOLA, WARD NO.38, P.S.- MUFFASIL, DISTRICT-KHAGARIA
2. AMAN KUMAR SON OF BIPIN KUMAR PASWAN R/O VILLAGE-MANSI ARAIYA, WARD NO.4, P.S.- MANSI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have prayed for bail registered
for the offence punishable under sections 30(a) of the Bihar
Prohibition and Excise Act.

3. Prosecution case relates to recovery of 266.4
litres of IMFL from a pickup van. Petitioner no. 1 is said to
be the driver and petitioner no. 2 co-driver of the said van
and both were arrested on spot.

4. Learned counsel appearing on behalf of the
petitioners has submitted that petitioners are innocent and



have committed no offence. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Both the petitioners are languishing in judicial custody since 4.10.2023.

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

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

7. 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 Exclusive Special Excise Judge-I, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 1026 of 2023.

8. 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)** by both the petitioners in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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