

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.133 of 2024

Arising Out of PS. Case No.-2225 Year-2023 Thana- Excise P.S. District- Purnia

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1. Suraj Kumar Son Of Domy Sharma Resident Of Village- Baijnathpur Ward No. 03, Ps- Saur Bazar, Distt- Saharsa
 2. Bimal Paswan Son Of Late Baijnath Hajra Resident Of Village- Ithara Rampur Ward No. 07, Ps- Saur Bazar, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Buddhi Lal Yadav

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

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

3. Prosecution case relates to recovery of 89 litres IMFL liquor from a tempo which was being driven by petitioner no. 1 and petitioner no. 2 was sitting behind. Both the petitioners were arrested on spot

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioners are not the owner of the



alleged vehicle nor they have any concern with the liquor loaded in it. Because he was driving the said vehicle without knowledge of consignment loaded on tempo, both have been implicated in the present case. 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 26.09.2023.

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

6. Both the 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 II Judge Court No.2, Purnea in connection with Excise P.S. Case No. 2225 of 2023.

The bail bonds of both 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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