

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84506 of 2023

Arising Out of PS. Case No.-541 Year-2023 Thana- Excise P.S. District- Bhagalpur

1. Subhash Anand Son Of Bishnu Prasad R/O Village- Sakri Ganj, P.S.- Jama, District- Dumka, State- Jharkhand
2. Raju Kumar Son Of Dinesh Mandal R/O Village- Lakhi Kundi, P.S.- Muffasil, District- Dumka, State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Excise Kahalgaon (Anumandal) P.S. Case No. 541 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 770.440 liters of IMFL from a bolero pickup vehicle and the petitioners were arrested by the police on spot.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted



that nothing incriminating has been recovered from the conscious possession of the petitioners and they have no concern with the seized illicit liquor. There is no independent witness of the seizure list which violates the provision 100 Cr.PC. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 12.10.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioners have been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioners are directed to deposit a sum of Rs. 5,000/- (Rs. Five Thousand) each in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Excise Kahalgaon (Anumandal) P.S. Case No. 541 of 2023 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 Special Judge Exclusive Excise Court No.1,
Bhagalpur.

The bail bonds of the petitioners shall be accepted by
the learned lower Court below on showing the receipt of deposit
of Rs. 5,000/- (Rs. Five Thousand) each by the petitioners in the
account of concerned DLSA.

(Sunil Kumar Panwar, J)

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