

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83314 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- YADOPUR District- Gopalganj

1. ATMA KUMAR Son of Maya Prasad R/o vill - Sihorwan, P.S. - Jadopur, Distt. - Gopalganj
2. Manoj Kumar Son of Ram Chandra Bhagat R/o vill - Vishunpur, P.S. - Jadopur, Distt. - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-01-2024 Heard learned counsel for the petitioners and learned APP for the State.

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

3. As per FIR, prosecution case relates to recovery of 72 liters country made liquor from an open place and the petitioners were also apprehended on the spot.

4. Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case merely on the basis of



suspicion. The petitioners have no concern with the alleged recovery nor any incriminating article has been recovered from conscious possession of the petitioners. It is further submitted that Section 100(6) of the Cr.P.C. has not been followed while preparing the seizure list. The petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 27.10.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Jadopur P.S. Case No. 264 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum Special Excise Court-I, Gopalganj.

(Sunil Kumar Panwar, J)

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