

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85561 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- MAHARAJGANJ District- Siwan

1. Nitish Kumar Son of Late Krishna Ray R/o vill - Gaurigaon, P.S. - Parsa, Distt. - Saran
2. Vikash Kumar Son of Harendra Ray R/o vill - Bhalbahiyen, P.S. - Parsa, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 170 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- MAHARAJGANJ District- Siwan

Piyush Kumar Srivastava S/O Sri Prakash Kumar Village- Mahammadpur, Ps. Dariyapur, Dist. Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85561 of 2023)

For the Petitioner/s : Mr.Nalin Kumar
Mr. Niraj Kumar
Ms. Saloni Sinha

For the Opposite Party/s : Mr.Ajay Kumar No. 2
(In CRIMINAL MISCELLANEOUS No. 170 of 2024)

For the Petitioner/s : Mr.Nalin Kumar
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-01-2024 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 Maharajganj P.S. Case



No. 340 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 176.730 liters of illicit liquor from a Car bearing Registration No. BR-01-PF-4500 and these petitioners were arrested on spot with the said vehicle.

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 rather they are police personnel. A statement has been made in para-3 of these petitions that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 02.12.2023.

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 petitioner No.3, namely, Piyush Kumar Srivastava Kumar is directed to deposit a sum of Rs. 5,000/-



(Rs. Five Thousand) 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 Maharajganj P.S. Case No. 340 of 2023 each of them on 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 Court No.-1, Siwan.

The bail bonds of the petitioner No.3, namely, Piyush Kumar Srivastava shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five Thousand) by the petitioner No.3 in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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