

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77900 of 2023

Arising Out of PS. Case No.-376 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Ram Kumar Mukhiya S/O Raghubir Mukhiya R/O Village- Pilakhwar, P.S-
Rajnagar, Distt.- Madhubani.
2. Deepak Kumar Paswan S/O Ghuran Paswan R/O Village- Pilakhwar, P.S-
Jainagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Jaynagar P.S. case No. 376 of 2023 instituted for the offences
under Sections 272, 273, 414, 34 of the Indian Penal Code and
Section 30(a) of the Bihar Excise Prohibition Act.

3. Prosecution story, in short, is that four persons
boarded on three motorcycles were intercepted by the police. On
seeing the police they tried to escape but two of them namely
Ram Kumar Mukhiya and Deepak Kumar Paswan (both the



petitioners) were apprehended by the police and total 315 litres of *nepali* liquor was seized from the three motorcycles.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 07.09.2023 and no criminal antecedent. The petitioners have falsely been implicated in the present case. He further submitted that from perusal of the F.I.R., it is clear that it is not specifically stated on which motorcycle(s) these petitioners were sitting. He further submitted that petitioners have no concern with the motorcycles and there is non compliance of Section 100 of the Cr.P.C. Petitioners are neither the driver nor the owner of the vehicles in question. Nothing has been recovered from the conscious possession or from the house of the petitioners.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the fact that petitioners have no concern with the vehicles from which the recovery was made, as well as the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection withJaynagar P.S. case
No. 376 of 2023 .

(Rudra Prakash Mishra, J)

Alok Verma/-

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