

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5885 of 2024**

Arising Out of PS. Case No.-141 Year-2023 Thana- MIRGANJ District- Gopalganj

1. Guddu Yadav Son of Late Ramnaray Chaudhary @ Ramayan Yadav Resident of Chanawe, P.S. - Thawe, District - Gopalganj
2. Manish Singh Son of Manoj Singh Resident of Pipra Khas, P.S. - Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioner seeks bail in connection with Mirganj
P.S. Case No. 141 of 2023 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered
total 648.960 liter foreign liquor from the Scorpio vehicle
bearing Reg. No. BR29PA4191.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as
alleged against them and have falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioners are not the owner of the alleged vehicle. The petitioners were not arrested at the spot and they have been made accused in this case on the basis of secret information. The petitioner no.1 has four criminal antecedents whereas petitioner no.2 has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners are languishing in judicial custody since 16.11.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Mirganj P.S. Case
No. 141 of 2023.

(Rudra Prakash Mishra, J)

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