

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11233 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- Excise P.S. District- Arwal

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1. Rohit Gop, Son of Mahendra Gop, Resident of Village- Purani City Court (Khalasi Tola), PS- Alamganj, District- Patna
 2. Kaushal Kumar Son of Kishor Paswan Resident of village- Gay ghat, Belwarganj (Paswan Toli), PS- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Arwal Excise P.S. Case No. 379 of 2023, instituted for the offences punishable under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 433.20 liters liquor was recovered from mini truck and both the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioners



have got no concern with the alleged recovery of liquor. The petitioners are driver and co-driver of the vehicle and both of them are not owner of the said vehicle. No incriminating article has been recovered from the possession of the petitioners. The petitioners are in custody since 17.12.2023 and petitioner No. 1 has got one criminal antecedent in which he is on bail, whereas the petitioner No. 2 has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Arwal Excise P.S. Case No. 379 of 2023.

(Rudra Prakash Mishra, J)

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