

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11866 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- JHAJHA District- Jamui

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1. Md. Kalam Son of Md. Aslam @ Md. Aslam Rayen Resident of Village- Raupnagar, Ward No. 40, Ps- Saharsa, Distt- Saharsa
 2. Md. Tanbir Son of Md. Sakim Resident of Village- Raupnagar, Ward No. 40, Ps- Saharsa, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Jhajha P.S. Case No. 597 of 2023 instituted for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 202.125 litres of liquor was recovered from Toyota Car.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted



that petitioners are not the owner of the vehicle. Petitioner no.1 is the driver and petitioner no.2 is the co-driver of the vehicle and they have got no concern with the alleged recovery of liquor. Charge-sheet has been submitted in this case. The petitioners are in custody since 06.12.2023 and have no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP 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, clean antecedent 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhajha P.S. Case No. 597 of 2023.

(Rudra Prakash Mishra, J)

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