

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13377 of 2024

Arising Out of PS. Case No.-1019 Year-2023 Thana- Excise P.S. District- Lakhisarai

1. Dhurendra Thakur S/O Suresh Thakur R/O Village- Charokhara, P.S.- Lakhisarai, District- Lakhisarai
2. Mantu Kumar @ Mantu Thakur S/O Bhagwan Thakur R/O Village- Damodarpur, Ward No.8, P.S.- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Lakhisarai Excise P.S. Case No. 1019 C2 of 2023, instituted for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 40 liters liquor was recovered from motorcycle 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. No incriminating material have been recovered from the conscious



possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is further submitted that petitioner no. 1 is owner of the seized motorcycle and petitioner no. 2 is relative of him. The petitioners are in custody since 21.12.2023. Petitioner No. 1 has got one criminal antecedent in which he is on bail and 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 petitioners.

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 petitioner.

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 Lakhisarai Excise P.S. Case No. 1019 C2 of 2023.

(Rudra Prakash Mishra, J)

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