

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12306 of 2024

Arising Out of PS. Case No.-324 Year-2023 Thana- DANIYAWAN District- Patna

1. Sahil Kumar @ Shahail Kumar s/o Late Raja Sharma @ Ramesh Sharma Resident of Aamgola, Badhai Tola, Pankha Toli, P.S.- Kazi Mohammadpur, Dist.- Muzaffarpur.
2. Hemant Kumar S/O Shri Ashok Rai @ Ashok Ray R/O Village- Chakaku, Post Office- Satpura, Yukub Chak, P.S.- Bhagwanpur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Daniyawar P.S. Case No. 324 of 2023, instituted for the offences punishable under Sections 30(a), 32(ii), 32(iii), 36, 41(i) and 41(ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 443.25 liters liquor was recovered from two cars and the 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. Both the petitioners are passengers of the said vehicle and have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 07.12.202. Petitioner No. 1 has got five criminal antecedents in which the petitioner is on bail in four case and Petitioner No. 2 has got one criminal antecedent in which the petitioner has been granted anticipatory bail. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 11344 of 2024. 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 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 Daniyawan P.S. Case
No. 324 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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