

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11738 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Vikash Kumar Ram @ Vikash Kumar S/O Hiralal Ram Residence Of Baraipatti, PS.- Yadhampur, Dist.- Gopalganj.
2. Brajesh Kumar Kushwaha S/O Dudhnath Kushwaha R/O Village- Jitvardaha, PS.- Kuchaikote, Dist.- Gopalganj.
3. Dharmendra Yadav S/O Chhathu Yadav R/O Village- Rampur Bangara, PS.- Tareya Sujan, Dist.- Kushinagar, (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Adv.
For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in connection with Phulwariya P.S. Case No. 17 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered altogether 166.500 liter foreign liquor from a Duster Car bearing Registration No. BR01BX4859 and a motorcycle bearing Registration No. BR28U6129.



4. Learned counsel for the petitioners submits that the petitioners are innocent 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. There is also no direct or specific allegation against the petitioners. The vehicles seized do not belong to the petitioners. The petitioners have one criminal antecedent each as has been stated in paragraph no.3 of the present bail application and in which they are on bail. 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 14.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioners, let the petitioner, 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 Phulwariya P.S. Case No. 17 of 2024.

(Rudra Prakash Mishra, J)

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