

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12900 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- TARABARI District- Araria

Fakruddin Alam @ Fakruddin Son of Alimuddin Resident of Village-
Rajokhar Ward no. 14,, P.S.- Araria R.S., District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 13295 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- TARABARI District- Araria

Taukir @ Taukir Alam Son of Ibrar Alam Resident of Village- Rajokhar Ward
no. 14,, P.S.- Araria R.S., District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 12900 of 2024)
For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 13295 of 2024)
For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, 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 Tarabari PS. Case No.
136 of 2023, instituted for the offences punishable under



Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 46.500 liters liquor was recovered from one car 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. The petitioner in Cr. Misc. No. 12900 of 2024 is driver of the seized vehicle as well as petitioner in Cr. Misc. No. 13295 of 2024 is neither driver nor owner of the seized vehicle and they have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 12.12.2023 and have got one criminal antecedent in which both the petitioners are on bail. 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 Tarabari PS. Case No. 136 of 2023.

(Rudra Prakash Mishra, J)

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