

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14406 of 2024

Arising Out of PS. Case No.-1158 Year-2023 Thana- Excise P.S. District- West Champaran

1. Bulet Yadav @ Bulat Yadav Son of Dasharath Yadav R/o Village- Utari Teluha, P.S.- Nautan, District- West Champaran
2. Guddu Yadav @ Guddu Kumar Yadav Son of Madan Yadav R/o Village- Utari Teluha, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 1158 of 2023 instituted for the offences under Section 30(a), 47 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the accused/petitioners have been caught by the police red-handed with recovery of 6.12 liters illegal liquor along with the stolen motorcycle.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence as alleged against him and has falsely been implicated in the present case due to police mechanism. 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. The petitioners are not the owner of the motorcycle. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. 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 08.12.2023.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioners having no criminal antecedent, let the petitioners, 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 Excise P.S. Case No. 1158 of 2023.

(Rudra Prakash Mishra, J)

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