

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13567 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Harivansh Ram son of Sonelal Ram Village- Bhav Chapra P.S.- Minapur Dist- Muzaffarpur
2. Rakesh Kumar son of Gagandev Rai Village- Bhav chapra P.S.- Minapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishi Sinha, Advocate

For the Opposite Party/s : Mr. Nand 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 Vijaipur P.S. Case No. 371 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 77.940 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. Charge-sheet has been submitted in this 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 car and petitioner no. 2 was sitting in the car. The petitioners are in custody since 25.12.2023 and have 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 Vijaipur P.S. Case No. 371 of 2023.

(Rudra Prakash Mishra, J)

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