

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14925 of 2024

Arising Out of PS. Case No.-833 Year-2023 Thana- GARDANIBAG District- Patna

1. Kush Kumar Giri @Golu Son Of Harendra Giri Resident Of Village- Jagdishpur, PS- Neora, Distt- Patna
2. Ashok Kumar Giri Son Of Late Ram Sawroop Giri Resident Of Village- Jagdishpur, PS- Neora, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shams Akhtar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Special Case No. 7221 of 2023, arising out of Gardanibagh P.S. Case No. 833 of 2023, instituted for the offences punishable under Sections 30(a) and 34 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 165 liters liquor was recovered from one vehicle and petitioner no. 1 was 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. It is further submitted that petitioner no. 1 is driver and petitioner no. 2 is owner of the seized vehicle. The name of the petitioner no. 2 has transpired as being owner of the vehicle in question and he has no knowledge regarding the goods being carried in his vehicle. The petitioners are in custody since 15.12.2023 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 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 Special Case No. 7221 of 2023, arising out of Gardanibagh P.S. Case No. 833 of 2023.

(Rudra Prakash Mishra, J)

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