

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15412 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- Excise P.S. District- Aurangabad

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1. Vivek Kumar S/o Prahlad Mehta @ Prahlad Mahto R/o vill - Arjun Bigha, P.S. - Madanpur, Distt. - Aurangabad (Bihar)
 2. Santosh Kumar S/o Rajendra Mahto R/o vill - Chandouli, P.S. - Madanpur, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, 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 Excise P.S. Case No. 29 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 70 liters spirit was recovered from outside hut of the petitioners which was hidden in grass 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. It is further submitted that the place of recovery is an open place which is accessible to everyone. The place of recovery and hut does not belong to the petitioners. The petitioners are in custody since 12.01.2024 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 Excise P.S. Case No. 29 of 2024.

(Rudra Prakash Mishra, J)

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