

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19609 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- RAGHOPUR District- Supaul

Durga Chaudhari S/o Ramdev Chaudhari R/o Village - Sohagpur, Ward No. 4,
P.S. - Kishanpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21282 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- RAGHOPUR District- Supaul

Rambilash Yadav S/O Shri Sukan Yadav R/O Village- Sukhasan, Ward No. 4,
P.S- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 19609 of 2024)
For the Petitioner/s : Mr. Shahid Aqubal, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 21282 of 2024)
For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Excise
Sessions Trial No. 274 of 2024, arising out of Raghopur P.S.
Case No. 10 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, 1984.230 liters liquor was recovered from different vehicles and 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 none of the petitioners are driver or owner of any of the seized vehicles. Name of the petitioner in Cr. Misc. No. 21282 of 2024 has been transpired on the basis of confessional statement of co-accused Durga Choudhury. The petitioner in Cr. Misc. No. 19609 of 2024 is in custody since 10.01.2024 and has got five criminal antecedents. Whereas, the petitioner in Cr. Misc No. 21282 of 2024 is in custody since 23.02.2024 and has got three criminal antecedents. 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 Sessions Trial No. 274 of 2024, arising out of Raghapur P.S. Case No. 10 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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