

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22660 of 2024

Arising Out of PS. Case No.-805 Year-2023 Thana- Excise P.S. District- Buxar

1. Kamal Singh S/O Babu Ram R/O Village- Nandgram Sihani Road, P.S- Nandgram, Distt.- Gaziabad (Up)
2. Harsh Tomar @ Harsh Tanwar S/O Satish Tomar @ Satish Tanwar R/O Village- Balmiki Kunj Patel Nagar li, P.S- Sihani Get, Distt.- Ghaziabad (Up)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Buxar Excise P.S. Case No. 805 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 total 680.85 litres of liquor was recovered from pickup van.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted



that petitioners are not the owner of the vehicle. It is further submitted that petitioner no.1 is only the driver of the vehicle in question whereas petitioner no.2 is the co-driver and both the petitioners have got no concern with the loaded articles/liquor. Charge-sheet has been submitted in this case. The petitioners are in custody since 01.01.2024 and have no criminal antecedent. There is no compliance of Section 100 of the 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, clean antecedent 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar Excise P.S. Case No. 805 of 2023.

(Rudra Prakash Mishra, J)

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