

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17254 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- Excise P.S. District- Aurangabad

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1. Sunil Kumar S/o Birbal Sharma R/o Vill and P.S. - Amba, Dist. - Aurangabad (Bihar)
 2. Manjay Kumar S/o Mithilesh Soni R/o Vill - Sonar Mohalla Amba, P.S. - Amba, Dist. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Aurangabad Excise P.S.
Case No. 67 of 2024, instituted for the offences punishable
under Sections 30(a), 32(1) and 32(3) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that, 50 liters
liquor was recovered from motorcycle 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 the seized liquor was found from the roadside. The petitioners are in custody since 29.01.2024. Petitioner No. 1 has got two criminal antecedents in which he is on bail and Petitioner No. 2 has got one criminal antecedent in which he is on bail. 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 Aurangabad Excise P.S. Case No. 67 of 2024, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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