

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17265 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MUFFASIL District- Aurangabad

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1. Manoj Kumar S/o Janeshwar Yadav R/o vill - Chonha Barwadih, P.S. - Maigara, Distt. - Gaya
 2. Vijay Kumar S/o Madan Yadav R/o vill - Chonha Barwadih, P.S. - Maigara, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with

Muffasil P.S. Case No. 07 of 2024 instituted for the

offences under Section 30(a) of the Bihar Prohibition and

Excise Act, 2018.

3. As per prosecution case, the police has recovered

350 liter illegal spirit from the Bolero vehicle bearing Regd.

No. JH03Z-0124 and 170 liter of spirit from the Beleno

vehicle bearing Regd. No. BR02BL-4575.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have committed no offence as alleged against him and has falsely been implicated in the present case. The petitioners were not arrested from the vehicle, in question, and nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are neither owner nor driver of the alleged vehicles. The petitioners have no concern with the seized liquor. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners are languishing in judicial custody since 07.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, 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 Muffasil
P.S. Case No. 07 of 2024.

(Rudra Prakash Mishra, J)

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