

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18476 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- MALSALAMI District- Patna

1. Shiv Dayal Rai Son Of Late Shiv Shankar Rai Resident Of Village - Near Dharmshala Check Post Didarganj, Police Station - Didarganj, District - Patna
2. Arun Rai Son Of Rama Shankar Rai Resident Of Village - Terasiya, Police Station - Ganga Bridge, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-03-2024 Heard Mr. Jay Ram Prasad, learned counsel for the petitioners and Mrs. Renu Kumari, learned APP for the State.

2. The petitioners seek bail in Malsalami P.S. Case No. 27 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, 200 liters liquor was recovered from tempo 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 petitioner no. 1 is driver and petitioner no. 2 is passenger of the seized tempo, they have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 17.01.2024 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 Malsalami P.S. Case No. 27 of 2024.

(Rudra Prakash Mishra, J)

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