

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18591 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- JIRADEI District- Siwan

1. Sanjay Kumar S/O Ghaseete @ Ghashite R/O Village- Nunari, P.S- Sueli, Distt.- Kanpur Dehat, U.P.
2. Gopal Kushwaha S/O Vinod Kumar R/O Village- Nunari, P.S- Sueli, Distt.- Kanpur Dehat, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :-----

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

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

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Jiradei P.S. Case No. 150 of 2023, instituted for the offences punishable under Sections 419, 420, 120(B), 34 of the Indian Penal Code, Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 6651 liters liquor was recovered from truck 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 both the petitioners were driver and *khalasi* of the truck and they have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 29.12.2023 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 Jiradei P.S. Case No. 150 of 2023, 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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