

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20315 of 2024

Arising Out of PS. Case No.-431 Year-2023 Thana- RANIYATALAB District- Patna

1. Nirbhay Kumar @ Majnu Son of Nand Kishore Prasad @ Arun Ram Resident of vill.-Kushwaha Kanpa (Saidbad), P.S.-Rani Talab, Distt.-Patna
2. Nand Kumar @ Laddu Son of Birju Ram @ Pachu Ram Resident of vill.-Kushwaha Kanpa (Saidbad), P.S.-Rani Talab, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Rani Talab P.S. Case No. 431 of 2023, instituted for the offences punishable under Sections 30(a), 30(c), 30(d), 33, 34, 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 213 liters liquor was recovered from room of the petitioner and both the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and 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 the petitioners are not the owner of the said room. The petitioners are in custody since 01.01.2024 and 26.01.2024 as mentioned in the Impugned Order. The petitioners have got one criminal antecedent in which both the petitioners are 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 Rani Talab P.S. Case No. 431 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

