

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22459 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- ARA NAGAR District- Bhojpur

1. Niral Kumar son of Jay Kumar Ray Village- Daulatpur Ps- Bihta Dist- Patna
2. Vikash Kumar son of Ram Vinay Yadav @ Ram Binay Yadav Village- Daulatpur Ps- Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar, Advocate
		Mr. Shivam Kumar, Advocate
		Mr. Deepak Kumar, Advocate
For the Opposite Party/s :		Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-03-2024 Heard Mr. Diwakar, learned counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioners seek bail in Ara Town P.S. Case No. 97 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, 80 liters liquor was recovered from motorcycle 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. 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 petitioners are neither driver nor owner of the seized vehicle, rather they were passerby of that way. The petitioners are in custody since 04.02.2024 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 Ara Town P.S. Case No. 97 of 2024.

(Rudra Prakash Mishra, J)

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