

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22635 of 2024

Arising Out of PS. Case No.-2168 Year-2023 Thana- Excise P.S. District- East Champaran

1. Dhiraj Kumar S/o- Nag Narain Singh @ Naga Narayan Singh Vill- Sundarpur Ps- Jharokhar Dist- East Champaran
2. Vijay Kumar son of Binod Ram Vill- Sundarpur Ps- Jharokhar Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 2168 of 2023 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 207 litres of foreign liquor was recovered from a car.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioners. Learned counsel further submitted that petitioners are not the owner of the vehicle. It is further submitted that petitioner no.1 is only the passenger of the vehicle in question whereas petitioner no.2 is the driver and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 08.11.2023 and have no criminal antecedent. There is no compliance of Section 100 of the 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, clean atecedent 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 2168 of 2023.

(Rudra Prakash Mishra, J)

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