

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23440 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Shahrukh S/o Harun R/o vill - Kandala, P.S. - Kandala, Distt. - Shamali (U.P)
2. Sarwar S/o Harun R/o vill - Kandala, P.S. - Kandala, Distt. - Shamali (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in Piprakothi P.S. case No. 260 of 2023 instituted for the offences under Sections 30(a), 32(II)(III), 41(I)(II) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 1433 liters liquor was recovered from the truck in question. The petitioners were apprehended at the 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 has 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 khalasi and petitioner No. 2 is driver of the truck in question. They have no knowledge regarding the nature of goods booked by the transporter. The petitioners are in custody since 20.11.2023 and have got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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 petitioner.

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 Piprakothi P.S. case No. 260 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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