

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24697 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- Excise P.S. District- Madhubani

1.

Sonu Kumar son of Late Rasbihari Yadav Village- Sonhan Ps- Kewati Dist- Darbhanga
2.

Sakindar Yadav son of Suhay Yadav @ Sutai Yadav Village- Sonhan Ps- Kewati Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Minakshi Kumari, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners is permitted to remove defects as pointed out by the Office during course of the day.

3. The petitioners seek bail in Benipatti Excise P.S. Case No. 22 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that, 90 liters liquor was recovered from tempo. The petitioners were apprehended on spot.

5. Learned counsel for the petitioners submits that the petitioners are innocent and has 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 the petitioner no. 1 is driver and petitioner no. 2 is co-driver of the seized vehicle and they have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 04.02.2024. Petitioner No. 1 has got one criminal antecedent and Petitioner No. 2 has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. 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.

8. 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 Benipatti Excise P.S. Case No. 22 of 2024.

(Rudra Prakash Mishra, J)

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