

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23796 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- SANOKHAR District- Bhagalpur

1. Bishnu Kumar Vishwakarma Son of Late Narad Muni Vishwakarma Resident of Village- Thekra, Police Station- Bairiya, Dist.- Baliya (Uttar Pradesh)
2. Kundan Kumar Son of Baleshwar Singh Resident of Village- Mahesh Khunt, Police Station- Mahesh Khunt, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Special Excise Case No. 323 of 2024, arising out of Sanokhar P.S. Case No. 10 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, 1055.85 liters liquor was recovered from truck 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 petitioner no. 1 is driver, petitioner no. 2 is cleaner of the seized vehicle and they have got no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 21.01.2024 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 Special Excise Case No. 323 of 2024, arising out of Sanokhar P.S. Case No. 10 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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