

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29010 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Excise P.S. District- Vaishali

-
1. Vicky Kumar Son of Binod Choudhary @ Vinod Chodhri Resident of Village- Lawapur, Ward No. 13, P.S.- Mahnar, Dist.- Vaishali
 2. Niraj Kumar Son of Nepali Paswan Resident of Village- Mile, Ward No. 10, P.S.- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Mahua Excise P.S. Case No. 30 of 2024, instituted for the offences punishable under Sections 30(a), 41(1) and 41(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 110 liters liquor was recovered from scooty 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 owner nor rider of the seized vehicle, rather they were standing beside the road. The petitioners are in custody since 19.02.2024. Petitioner No. 1 has got three criminal antecedents in which the petitioner is on bail and Petitioner No. 2 has 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 Mahua Excise P.S. Case No. 30 of 2024, 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)

Rajorshi/-

U		T	
---	--	---	--

