

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26698 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- BARAHAT District- Banka

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1. Dharmu Kumar Son Of Ashok Chaudhary Resident Of Village - Mani, Police Station - Bikramganj, District - Rohtas
 2. Mritunjay Kumar Son Of Gorelal Thakur Resident Of Village - Tetari, Police Station - Naugachia, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Barahat P.S. Case No. 52 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, 70.65 liters liquor was recovered from car 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. 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 petitioner no. 1 is driver and petitioner no. 2 is co-driver of the seized vehicle and both of them have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 01.03.2024 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 Barahat P.S. Case No. 52 of 2024.

(Rudra Prakash Mishra, J)

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