

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27103 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- ISMAILPUR District- Bhagalpur

1. Subhash Kumar Son of Kailash Mandal Resident of Village- Narayanpur, Chandiasthan, P.S.- Ismailpur, Dist.- Bhagalpur
2. Heero Kumar @ Hero Kumar Son of Upendra Mandal R/o Meerachak, P.S.- Zero Mile, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nityanand, 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 Ismailpur P.S. Case No. 18 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, 194.625 liters liquor was recovered from Scorpio 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 passenger who has taken lift in the midst of way, petitioner no. 2 is 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. Petitioner No. 1 has got one criminal antecedent and Petitioner No. 2 has got five criminal antecedents in which both the petitioners are on bail. 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 Ismailpur P.S. Case No. 18 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner 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 petitioner.

(III) Further condition is that, petitioner shall not commit such type of offence during the course of the trial.

(Rudra Prakash Mishra, J)

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