

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27203 of 2024

Arising Out of PS. Case No.-268 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

1. Shivnath Kumar Son Of Chandeshwar Sahni Resident Of Village- Vijay Chhapra, Ps- Ahiyapur And Dist- Muzaffarpur
2. Chandan Kumar Jha Son Of Jainand Jha Resident Of Village- Sahwajpur, PS- Ahiyapur And Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Arun 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 connection with G.R. No. 228 of 2024, arising out of Ahiyapur P.S. Case No. 268 of 2024, instituted for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 111.75 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 is neither owner nor driver of the seized vehicle. The petitioners are in custody since 27.02.2024 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 G.R. No. 228 of 2024, arising out of Ahiyapur P.S. Case No. 268 of 2024.

(Rudra Prakash Mishra, J)

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