

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33872 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- Excise P.S. District- Siwan

1. AMIT KUMAR SHARMA @ AMIT KR. SHARMA @ AMIT SHARMA
SON OF DILIP SHARMA RESIDENT OF VILLAGE - IMLAULI, P.S. -
MAIRWA, DISTRICT - SIWAN
2. DEEPAK SAHNI SON OF RUDAL SAHANI RESIDENT OF VILLAGE -
IMLAULI, P.S. - MAIRWA, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in in connection with
Maharajganj Excise P.S. Case No. 07 of 2024 instituted for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Actt.

3. The prosecution case, in short, is that a total 397.
400 liters liquor was recovered from a Hondacity Car. Two
persons were caught who disclosed their names as Amit Kumar
Sharma, the petitioner herein (driver) and Deepak Sahani.

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 has been recovered from the conscious possession of the petitioners. It is submitted that the petitioner No. 1 is driver and petitioner No. 2 is passenger and they had no knowledge regarding the goods loaded in the vehicle. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 21.01.2024. Petitioner no. 1 has got antecedent of one criminal case whereas petitioner No. 2 has clean antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maharajganj Excise P.S. Case No. 07 of 2024.

(Rudra Prakash Mishra, J)

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