

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29140 of 2024

Arising Out of PS. Case No.-219 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Ashok Kumar S/o Ram Kewal Paswan R/o Bus Stand (Dom Tole), P.S.- Aurangabad (Town), District- Aurangabad
2. Babita Devi W/o Bablu Choudhary R/o Adari Nadi (Bhuiya Tole), P.S.- Aurangabad (Town), District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Excise P.S. Case No. 219 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, 105.040 liters liquor was recovered from near the house of the petitioner no. 2 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 alleged recovery has been made from road which is a public place. The petitioners are in custody since 14.03.2024. Petitioner No. 1 has got one criminal antecedent 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 Excise P.S. Case No. 219 of 2024.

(Rudra Prakash Mishra, J)

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