

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30609 of 2024**

Arising Out of PS. Case No.-101 Year-2024 Thana- RAMGARH District- Kaimur (Bhabua)

1. ARSALAN KHAN @ MOHD. SAIF KHAN S/O MOHD. JUNAID KHAN R/O VILLAGE- DEVAITHA, P.S- JAMANIA, DISTT.- GAZIPUR (U.P).
2. TIPU SINGH YADAV @ TIPOO SINGH YADAV S/O JAI RAM SINGH YADAV R/O VILLAGE- DEVAITHA, P.S- JAMANIA, DISTT.- GAZIPUR (U.P).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate  
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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

ORAL ORDER

- 2      24-04-2024                      1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in connection with Ramgarh P.S. Case No. 101 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 total 80.25 litres of liquor was recovered from car and the petitioner was apprehended on the spot.
4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioners. Learned counsel further submitted that petitioners are not the owner of the vehicle. It is further submitted that petitioner no.1 is only the driver of the vehicle in question whereas petitioner no.2 is the passenger and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 22.03.2024. Petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal antecedent. There is no compliance of Section 100 of the 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ramgarh P.S. Case No. 101 of 2024.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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