

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33467 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Subash Prasad son of Kavindra Prasad Village- Gyanpur Semariya Ps- Barhara Dist- Bhojpur at Ara
2. Balvir Singh son of Madan Singh Village- Khandelsar Ps- Jinmata Dist- Sikar Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Adv.
For the Opposite Party/s : Mr.Akbar Ali, 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 connection with Kuchaikote P.S. Case No. 86 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amended) Act, 2022.

3. As per prosecution case, the police has recovered total 99.36 liter foreign liquor from a gunny bag kept in the dickey of the bus bearing Regd. No. RJ-27-PA-9558.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against him and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner



no.1 is the driver and petitioner no.2 is the cleaner of the seized vehicle. The petitioners have no concern with the seized liquor. The petitioners were not aware of the contents of the material loaded in the dickey. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 28.02.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, 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 Kuchaikote P.S. Case No. 86 of 2024.

(Rudra Prakash Mishra, J)

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