

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33580 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SANHAULA District- Bhagalpur

1. Gopal Raj son of Shiv Kumar Das Resident of Village- Kowakoli, P.S.- Madhusudanpur (Nathnagar), Dist.- Bhagalpur
2. Girish Kumar Son of Raju Yadav Resident of Village- Bhatolia, Purabtola, P.S.- Madhusudanpur (Nathnagar), Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Special Excise Case No. 1129 of 2024, arising out of Sanhaula P.S. Case No. 37 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, 91.125 liters liquor was recovered from tempo. The petitioners were apprehended on another car from which no recovery has been made.

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 petitioners are neither owner of the tempo nor owner of the seized car. The petitioners were sitting inside the car and no recovery of liquor has been made from their possession or from their car. The petitioners are in custody since 12.03.2024 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 Special Excise Case No. 1129 of 2024, arising out of Sanhaura P.S. Case No. 37 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

