

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32120 of 2024

Arising Out of PS. Case No.-240 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Rajesh Kumar Son of Ramesh Singh R/O Village- Hathikhap Tika Ghar Bigha, P.S.- Jamhore, District- Aurangabad.
2. Ajeet Kumar Son of Mahendra Singh R/O Village- Hathikhap Tika Ghar Bigha, P.S.- Jamhore, District- Aurangabad.
3. Sanjay Kumar Son of Ramjanam Singh Yadav R/O Village- Hathikhap Tika Ghar Bigha, P.S.- Jamhore, 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. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in Excise P.S. Case No. 240 of 2024, instituted for the offences punishable under Sections 30(a), 30(c), 30(d), 32(3) and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 86.400 liters liquor and 35 liters spirit were recovered from a tent house and 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 and spirit. It is further submitted that the alleged recovery has been made from a public place which is accessible to everyone. The petitioners are in custody since 19.03.2024 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 Excise P.S. Case No. 240 of 2024.

(Rudra Prakash Mishra, J)

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