

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33353 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- GOPALPUR District- Gopalganj

1. Bikram Kumar @ Vikram Kumar Son of Late Pradeep Kumar Rai @ Pradip Kumar Rai @Pradeep Kumar Ray @ Pradeep Ray Resident of Village-Somnaha, PS- Chakmehsi, Dist- Samastipur
2. Shivam Kumar Son of Dinesh Ray @ Dinesh Rai Resident of Village-Manipur, PS- Warisnagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, 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 Gopalpur P.S. Case No. 35 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered total 82.620 liter foreign liquor from the dickey of the car bearing Regd. No. BR06-CB-7801.

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 only on the basis of suspicion. He further submits



that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor or the alleged car. 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 20.02.2024 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 Gopalpur P.S. Case No. 35 of 2024.

(Rudra Prakash Mishra, J)

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