

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35552 of 2024

Arising Out of PS. Case No.-381 Year-2024 Thana- Excise P.S. District- Patna

1. Anil Kumar son of Rajkumar @ Rajkumar Ram Resident of at Present Math Laxmanpur Tola, Ward No. 54, P.S.- Alamganj, Dist.- Patna
2. Nitish Kumar Son of Ramji Mahto R/o Fatehpur, Sabalpur, P.S.- Nadi Thana, District- Patna
3. Shiva Kumar Son of Dinesh Paswan R/o Mahnar Lahaurichak, Ward No. 06, P.S.- Mahnar, Dist.- Vaishali

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Ajay Kr Singh No.1
For the Opposite Party/s : Mr.Sanjay Kumar

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

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 381 of 2024 instituted for the offences punishable under Sections 30(a), 32(1)(3), 36, 41(1)(2) and 56(b) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, in short, is that, 71.460 liters liquor was recovered from godown and the petitioners were apprehended on 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. The petitioners have got no concern with the alleged recovery of liquor. Moreover, it is next submitted that the other co-accused has already been granted bail by this Court vide order dated 03.04.2024 passed in Cr. Misc. No. 25148 of 2024. The petitioners are in custody since 24.02.2024 and have 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 Excise P.S. Case No. 381 of 2024.

(Rudra Prakash Mishra, J)

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