

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34288 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- Excise P.S. District- Begusarai

1.

Jakir Ansari Son Of Late Rahim Miyan Resident Of Village - Paharudih, Ward No.7, Police Station - Palojori, District - Deoghar
2.

Samaul Ansari @ Samaul Son Of Tajmuddin Miyan @ Tajmuddin Ansari Resident Of Village - Paharudih, Ward No.7, Police Station - Palojori, District - Deoghar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Nirmal Kumar Sinha, 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 Excise P.S. Case No. 123 of 2024, instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 378 liters liquor was recovered from three vehicles and both 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. It is further submitted that the petitioner no. 1 is passerby of that way and petitioner no. 2 is co-driver. The petitioners are in custody since 11.03.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted bail by this Court vide order dated 24.04.2024 passed in Cr. Misc. No. 31222 of 2024. 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, the period of custody undergone by the petitioners and claim based on parity, 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. 123 of 2024.

(Rudra Prakash Mishra, J)

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