

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33553 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- BAUNSI District- Banka

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1. Rama Shankar Rai @ Rama Shankar Kumar Son of Vindeshwar Rai Village- Bakarpur, PS- Turki, Dist- Muzaffarpur
 2. Ajay Kumar Son of Shambhu Rai Village- Kodaria Mango, PS- Paroo, Dist- Muzaffarpur, P/A- C/O- Lae Rajendra Rai, Vill- Kataro Fatehpur, PS- Belsar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, 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 Bounsi
P.S. Case No. 94 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
altogether 708.48 liters of illicit foreign made liquor fro the truck
bearing Regd. No. BR 3G 3695.

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.
The petitioner no.1 is the driver of thee seized vehicle whereas
petitioner no.2 is the co-driver. He further submits that nothing
incriminating has been recovered from the conscious possession



of the petitioners. The petitioners are not the owner of the seized truck and have also no concern with the seized liquor. The petitioners were not aware of the contents of the material loaded in the alleged truck. 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 06.04.2024 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 petitioner, 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 Bounsi P.S. Case No. 94 of 2024.

(Rudra Prakash Mishra, J)

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