

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33671 of 2024

Arising Out of PS. Case No.-561 Year-2024 Thana- Excise P.S. District- Muzaffarpur

1. Vishwanath Ram Son of Umesh Ram Resident of Village - Ram Sahai Chhapara, P.S.- Minapur, District - Muzaffarpur
2. Sunil Das Son of Late Ram Chandra Das Resident of Village - Mohamadpur @ Mahmudpur, P.S.- Ahiyapur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Excise P.S. Case No. 561 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, 552.960 liters liquor was recovered from tempo house and garden. 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 petitioners are neither owner of the tempo nor the owner of the garden in question. The petitioners are in custody since 24.03.2024 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. 561 of 2024.

(Rudra Prakash Mishra, J)

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