

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35033 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Rakesh Kushwaha S/o Late Hiralal Kushwaha R/o vill - Sisai (Ramnagar), P.S. - Bhore, Distt. - Gopalganj
2. Bikash Kushwaha @ Vikash Kushwaha S/o Late Hiralal Kushwaha R/o vill - Sisai (Ramnagar), P.S. - Bhore, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Phulwariya P.S. Case No. 110 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 342 liters liquor was recovered from Bolero car 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 petitioners are neither driver nor owner of the seized vehicle in question. The petitioners are in custody since 17.03.2024 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 Phulwariya P.S. Case No. 110 of 2024.

(Rudra Prakash Mishra, J)

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