

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35302 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Dheeraj Singh Son of Amina Singh @ Ramcharan R/O Vill.- Nagla, Kishunpur, Bhayipur, P.S.- Khurja Chowki, Dist.- Bulandsahar (UP)
2. Vijay Son of Kachhi Singh R/O Vill.- Sunehra, P.S.- Khurji Chowki, Dist.- Bulandsahar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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

Kaimur Excise P.S. Case No. 183 of 2024 instituted for the

offences under Section 30(a) & 32(3) of the Bihar

Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered

total 234.00 liter illegal foreign liquor from the Swift Car

bearing Regd. No. DL9CX-1827.

4. Learned counsel for the petitioners submits that

the petitioners are innocent and have committed no offence



as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioner no.1 is the driver and petitioner no.2 is the helper. The petitioners are not the owner of the vehicle, in question. The petitioner no.1, being the driver, was not aware of the contents of the material loaded in the alleged vehicle. 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 02.03.2024 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 petitioners, 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 Kaimur
Excise P.S. Case No. 183 of 2024.

(Rudra Prakash Mishra, J)

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