

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35882 of 2024**

Arising Out of PS. Case No.-92 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Prince Yadav Son of Abhimanyu Rai Resident of Village- Pahleja Sahpur, P.S. - Sonapur, District - Saran.
2. Rahul Yadav Son of Suresh Rai Resident of Village- Perwejbad Badrahi , P.S. - Sonapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      10-05-2024                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Phulwariya P.S. Case No. 92 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, 75.270 liters liquor was recovered from two motorcycles. 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 not the owner of the seized motorcycle in question, rather they were passerby of that way. The petitioners are in custody since 03.03.2024 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. 92 of 2024.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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