

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35608 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- KATEYA District- Gopalganj

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1. Ramesh Rai Son Of Sushil Rai Resident Of Village - Chhitarchak, P.S. - Sonepur, District - Saran
 2. Niraj Kumar Son Of Late Phulena Rai Resident Of Village - Sundarpur, P.S. - Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kateya P.S. Case No. 70 of 2024 instituted for the offence under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Prosecution case as emanated from the FIR is that there is recovery of 976.320 litres of foreign liquor from a truck bearing Registration No. WB41D-2698.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 07-03-2024. Petitioners bear no criminal antecedent.



5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. It is submitted that petitioner No. 1 is the driver and petitioner No. 2 is the co-driver of the truck in-question. It is next submitted that petitioners were oblivious of the fact that illicit liquor was laden in the truck. It is also submitted that petitioners have no concern with the alleged recovered liquor. It is lastly submitted that there is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and clean antecedent of the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kateya P.S. Case No. 70 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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