

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38116 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- Excise P.S. District- Siwan

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1. Deepak Kumar Son of Harivansh Ray Resident of Village - Bakhtiyarpur, P.S.- Bakhtiyarpur, Dist.- Patna.
 2. Suraj Kumar Son of Nitish Yadav Resident of Village - Barah, P.S.- Harnauth, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh, APP

For the Opposite Party/s : Mr.Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Excise Sadar Siwan P.S. case No. 206 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 77.760 liters liquor was recovered from Auto. The petitioners were apprehended at the 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 has 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 petitioner No. 1 is said to be driver of the said Auto and petitioner No. 2 was sitting as a passenger in the said vehicle. They have no knowledge regarding the nature of goods kept in the Auto. The petitioners are in custody since 10.04.2024 and have got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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 petitioner.

7. Let the petitioners 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 Excise Sadar Siwan P.S. case No. 206 of 2024.

(Rudra Prakash Mishra, J)

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