

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38311 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

1. Badal Kumar Son of Harilal Prasad @ Harilal Resident of village - Malho, Police Station - Tareya Sujan, District - Kushinagar (Uttar Pradesh)
2. Ajay Kumar Son of Kanhaiya Prasad Resident of village - Malho, Police Station - Tareya Sujan, District - Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Vishambharpur P.S.
Case No. 36 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, 205.600
liters liquor was recovered from plastic gunny bags in the bush.
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 alleged recovery has been made from an open place which is accessible to public at large. The petitioners are in custody since 18.03.2024 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 Vishambharpur P.S. Case No. 36 of 2024.

(Rudra Prakash Mishra, J)

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