

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40079 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Bikash Kumar Tiwari S/o Nagendra Tiwari R/o vill - Esharpati, P.S. - Bishwmbharpur, Distt. - Gopalganj
2. Sanjay Pathak @ Sanjay Tiwari S/o Binod Pathak R/o vill - Binod Matihaniya, P.S. - Bishambharpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kuchaikote P.S. Case No. 112 of 2024 instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that total 145.98 litres of liquor was recovered from two motorcycles out of which 81 litres was recovered from these petitioners.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged



recovery. The co-accused person has already been granted bail by this Bench vide order dated 08.05.2024 passed in Cr. Misc. No. 35212 of 2024. It has been submitted on behalf of the petitioners that the petitioners are in custody since 14.03.2024 and no criminal antecedent. There is no compliance of Section 100 of the 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, clean antecedent 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote P.S. Case No. 112 of 2024.

(Rudra Prakash Mishra, J)

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