

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39485 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Mohammad Haroon Son Of Iliyas Village- Bajahara, Kala, Ps- Kapurpur, Dist- Hapur, U.P.
2. Salim Son Of Iliyas Village- Bajahara, Kala, Ps- Kapurpur, Dist- Hapur
3. Riyasat Hussain Son Of Asgar Ali Village- Haibatpur Chaudhiryan, Ps- Mandi Dhamora, Dist- Amroha, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in Kuchaikote P.S. Case No. 117 of 2024, instituted for the offences punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 11,000 liters spirit was recovered from truck.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has 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. The petitioners are in custody since 18.03.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Other co-accused has been granted bail by this Court *vide* order dated 15-05-2024, passed in Cr. Misc. No. 36952 of 2024.

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 *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote P.S. Case No. 117 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners are found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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