

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39987 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- BIHTA District- Patna

1. Raman Son of Jaspal Masih @ Jaspal Resident of Bhukra, P.S.- Sadar, District - Gurudaspur, Punjab.
2. Rahul Masih Son of Gurmeet Masih Resident of Babri Nangal, P.S.- Tibbar, District - Gurudaspur, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindu Kumari, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 26-07-2024

1. Heard learned counsel for the petitioners and
for the State.

2. The petitioners seek bail in connection with Bihta P.S. Case No. 140 of 2024 instituted for the offences punishable under Sections 420, 467, 468 of Indian Penal Code and Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 3340.800 litres of liquor was recovered from truck.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioners. Learned counsel further submitted that petitioners are not the owner of the vehicle. It is further submitted that petitioners are driver and helper of the truck and both the petitioners have got no concern with the loaded articles/liquor. Charge-sheet has been submitted in this case. The petitioners are in custody since 09.02.2024 and have no criminal antecedent. There is no compliance of Section 100 of the 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, 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 Bihta P.S. Case No. 140 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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