

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40553 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Ujagir Kumar @ Ujagir Yadav @ Ujagar Kumar Son Of Astanand Rai Vill-Naya Tola Dedaur,,Ps-Bakhtiyarpur, Dist- Patna
2. Pinku Kumar @ Pinku Yadav Son Of Ram Swarath Rai Vill-Naya Tola Dedaur,,Ps-Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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

ORAL ORDER

- 2 21-06-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in connection with Durgawati P.S. Case No. 96 of 2024 instituted for the offences punishable under Section 30(a), 32(iii) of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 302.4 litres of liquor was recovered from Bolero car.
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 petitioner no.1 is only the passenger of the vehicle in question whereas petitioner no.2 is the driver and both the petitioners have got no concern with the loaded articles/liquor. The co-accused person has already been granted bail by this Bench vide order dated 16.05.2024 passed in Cr. Misc. No. 37787 of 2024. The petitioners are in custody since 09.04.2024 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 Durgawati P.S. Case No. 96 of 2024.

(Rudra Prakash Mishra, J)

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