

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42774 of 2024

Arising Out of PS. Case No.-398 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Vivek Kumar Son Of Awdhesh Kumar Village- Bhakhtiyarpur, P.S.- Bhakhtiyarpur, Distt.- Patna
2. Sudhir Kumar Son Of Sushil Ray Vifllage- Mirampur, Raghapur Diyara, P.S.- Raghapur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-06-2024 Heard Mr. Sunil Kumar Singh, learned counsel for the petitioners and Mrs. Renu Kumari, learned APP for the State.

2. The petitioners seek bail in Kaimur (Bhabhua) Excise P.S. Case No. 398 of 2024, instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 97.200 liters liquor was recovered from tempo and 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 petitioners are passengers and neither owner nor driver of the vehicle in question. The petitioners are in custody since 28.04.2024 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 Kaimur (Bhabhua) Excise P.S. Case No. 398 of 2024.

(Rudra Prakash Mishra, J)

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