

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43526 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- MAIRWAN District- Siwan

1. Pradeep Singh S/o Man Singh R/o village-Azad Mandi P.s.-Mahendra Park, District-Delhi
2. Vinay Singh @ Vinay Kumar S/o Vijay Singh R/o Village- Adhouliya, P.S.- Manpur, District-Nalanda, At Present r/o village-Azadpur Mandi, P.S.- Mahendra Park, District-Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Mairwa P.S. case No. 138 of 2024 instituted for the offences under Sections 30(a), 41(i) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 2673 liters liquor was recovered from the truck the petitioners were arrested 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 has 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 not the owner of the vehicle in question. They were passersby and had taken lift in the vehicle in question and had no knowledge regarding nature of goods kept in the vehicle. The petitioners are in custody since 13.05.2024 and has got no criminal antecedent. There is no compliance of Section 100 of 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 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 Mairwa P.S. case No. 138 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)

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