

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47991 of 2024

Arising Out of PS. Case No.-436 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Raj Kumar Singh S/o Yadunandan Singh R/o vill - Rambilas Nagar, Bhartouli, P.S. - Nagar, Distt. - Aurangabad, Bihar
2. Prince Kumar S/o Shriram Singh R/o vill - Badem, P.S. - N.T.P.C. Khaira, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Aurangabad Excise P.S. Case No. 436 of 2024, instituted for the offences punishable under Sections 30(a), 30(c), 30(d), 32(3), 36, 41(1) and 42(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 105 liters spirit and 170.280 liters liquor was recovered from a *Karkat* house and the petitioner was 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 spirit and liquor. It is further submitted that the petitioners are not the owner of the *Karkat* house. The petitioners are in custody since 11.05.2024 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 Aurangabad Excise P.S. Case No. 436 of 2024.

(Rudra Prakash Mishra, J)

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