

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49286 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- DHANAHAN District- West Champaran

1. Raj Keshwar Kumar Son of Dhurendra Choudhary Resident of Village - Math Manjhariya, Police Station - Gaunaha, District - West Champaran.
2. Bhim Kumar @ Bhim Manjhi Son of Gambha Manjhi @ Gamma Manjhi Resident of Village - Math Manjhariya, Police Station - Gaunaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Dhanaha P.S. Case No. 72 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered total 3525.840 liters of illicit English liquor from the DCM truck.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence



as alleged against them and have falsely been implicated in the present case. The petitioner no.1 is the Khalasi (Co-driver) and the petitioner no.2 is the driver of the alleged truck and they had no knowledge regarding the seized liquor being kept in the truck, in question. The petitioners have no concern with the recovered liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 03.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that huge quantity of English liquor have been recovered from the seized truck.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, 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 Dhanaha
P.S. Case No. 72 of 2024.

(Rudra Prakash Mishra, J)

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