

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48140 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- KOTHI District- Gaya

-
1. Manoj Bharti Son of Jagdish Bharti Village- Sangrampur, PS- Pratappur, Dist- Chatra , Jharkhand
 2. Arjun Singh Son of Mangar Singh Village- Bohe, PS- Kunda, Dist- Chatra, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadab Akhter, Adv.
For the Opposite Party/s : Mr.Kanhiya Kishor, 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 connection with Kothi P.S. Case No. 30 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police saw two persons on a motorcycle were coming from Jharkhand side carrying some goods in a sack. Seeing the police force, they turned the motorcycle and tried to flee away but, were apprehended. On query, they disclosed their names as the petitioners. On search, the police recovered total 50 liter illegal country made Mahua liquor from the motorcycle bearing Regd. No. JH13J9283.



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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner no.1 is the owner of the motorcycle seized in this case. The petitioners have no concern with the transportation of the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner no.1 has no criminal antecedent whereas petitioner no.2 has one criminal antecedent in which he has been granted bail and are languishing in judicial custody since 08.05.2024 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.

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, 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 Kothi P.S. Case No.
30 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

