

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48510 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- Excise P.S. District- Katihar

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1. Pawan Yadav Son of Dev Yadav Village- Laliyahi, Ward No 10, Ps- Shahayak, District -Katihar
 2. Indrajit Paswan @ Indrajeet Paswan Son of Amarjeet Paswan Village- Lal Kothi, Ward No. 17, Ps- Town, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

- 2 10-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in connection with Katihar Excise P.S. Case No. 311 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 432.42 litres of illicit foreign liquor was recovered from Piaggio magic van.
4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioners. Learned counsel further submitted that petitioners are not the owner of the vehicle. It is further submitted that petitioner no.1 is only the driver of the vehicle in question whereas petitioner no.2 is the co-driver and both the petitioners were unaware of the loaded articles/liquor. The petitioners are in custody since 24.05.2024 and have no criminal antecedent. There is no compliance of Section 100 of the 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, clean antecedent 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 Katihar Excise P.S. Case No. 311 of 2024.

(Rudra Prakash Mishra, J)

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