

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47541 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- Excise P.S. District- Saran

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1. Manoj Prasad son of Late Baijnath Prasad Village- Mirjapur, Ps- Baniyapur Dist- Saran
 2. Mahesh Kumar Mahto son of Shivdayal Mahto Village- Basdih Gawdi Ps- Bheldi Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Mashrakh P.S. Case No. 27 of 2024, instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 17.280 liters liquor was recovered from car and the petitioners were 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 liquor. It is further submitted that the petitioner no. 1 is driver and petitioner no. 2 is passenger of the vehicle in question and they have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 04.04.2024 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 Mashrakh P.S. Case No. 27 of 2024.

(Rudra Prakash Mishra, J)

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