

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48128 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SUGAULI RAIL PS District- East
Champaran

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1. Pappu Kumar S/o Rajendra Ray @ Harendra Ray R/o Village- Bokhra, Ratanpura, P.S.- Motipur, District- Muzaffarpur
 2. Md. Imtyaz S/o Md. Sagir R/o Village- Senduri, PS- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, 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 Rail Sugauli P.S. Case No. 37 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, as soon as the train no. 15212DN Jannayak Express arrived at PF No.1, the police started checking under the special checking campaign. The accused petitioners, who were standing near the toilet with bags in the second general bogie, tried to flee away after seeing the police but, were apprehended. On search, the police recovered



total 27.42 liters of English liquor from the backpacks of the accused petitioners.

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 and have been made accused in this case on the basis of suspicion. The petitioners have no concern with 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 petitioners have no criminal antecedent and are languishing in judicial custody since 22.05.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. 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 Rail Sugauli P.S.
Case No. 37 of 2024.

(Rudra Prakash Mishra, J)

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