

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48114 of 2024

Arising Out of PS. Case No.-415 Year-2024 Thana- Excise P.S. District- Gopalganj

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1. Sarfaraz Nadaf S/o Taslim Nadaf R/o vill - Mohanpur, P.S - Muffasil (Samastipur), Distt. - Samastipur
 2. Manish Kumar S/o Vinay Rai R/o vill - Chaknur, P.S - Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr. Atul Chandra, 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 Excise P.S. Case No. 415 of 2024, instituted for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 293.76 liters liquor was recovered from a 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 petitioner no. 1 is driver and petitioner no. 2 is co-passenger of the vehicle in question and both of them have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 04.05.2024. Petitioner no. 1 has got clean antecedent and petitioner no. 2 has got one criminal antecedent in which he is on bail. 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 Excise P.S. Case No. 415 of 2024.

(Rudra Prakash Mishra, J)

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