

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50957 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- AMDABAD District- Katihar

1. Kanhaiya Kumar @ Kanhaiya S/o Ashok Kumar Sah R/o Ghorabari, Tingachhiya, P.S.- Muffasil, Distt.- Katihar
2. Manoj Kumar Sah @ Manoj Sah S/o Janardan Prasad Sah @ Darogi Sah R/o Naya Tola, Tingachhiya, Kali Mandir, P.S.- Nagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Amdabad P.S. Case No. 323 of 2023 instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 698.115 litres of liquor was recovered from pickup van.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and 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 neither the owner nor the driver of the vehicle. The petitioners have got no concern with the alleged recovery of liquor. The co-accused person has already been granted regular bail by this Bench vide order dated 21.02.2024 passed in Cr. Misc. No. 10528 of 2024. The petitioners have one 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, let the petitioners above named, in the event of arrest/surrender before the learned Court below within a period of six months from today, be released on anticipatory 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 Amdabad P.S. Case No. 323 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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