

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53199 of 2024

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

1. Anish Kumar Son of Sikandar Prasad Village - Bhatwarwa , PS- Korha, Dist- Katihar
2. Manu Kumar Son Of Murli Ray @ Murari Ray Village- Jagwati, Ps- Manihari, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

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

3. As per prosecution case, the police has recovered
total 698.115 liter illegal foreign liquor from the Bolero vehicle
bearing Registration No. WB-73-B-9970.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as
alleged against him 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. The petitioners are not apprehended on spot and have been implicated in the present case only on the basis of C.D.R. stating therein that there is conversation between the apprehended persons and the petitioners. The petitioners have no concern with the alleged recovered liquor or the seized vehicle or even the apprehended persons. 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 two criminal antecedents and are languishing in judicial custody since 25.06.2024 without any rhymes or reason.

5. Learned counsel for the petitioners again submits that the co-accused namely Rana Mandal and Madan Kumar have been granted bail by this Court vide order dated 21.02.2024 passed in Cr. Misc. No. 10528 of 2024.

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

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, 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 Amdabad P.S. Case
No. 323 of 2023.

(Rudra Prakash Mishra, J)

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