

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57774 of 2024

Arising Out of PS. Case No.-403 Year-2024 Thana- DIGHA District- Patna

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1. Ashish Kumar Son of Abhimanyu Paswan Resident of Village - Kharna, P.S.- Barhara, District - Bhojpur (Arah)
 2. Raj Kishor Rai Son of Satyanand Ray Resident of Mohalla - Adarsa Nagar, Nasariganj (Near Bajaj Farm), Police Station - Danapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
Smt. Divya Bharti, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with

Digha P.S. Case No. 403 of 2024 instituted for the offences

under Section 414 of the Indian Penal Code and Section

30(a), 32 of the Bihar Prohibition & Excise Act, 2018.

3. As per prosecution case, the police has recovered

altogether 1569 liters illegal foreign liquor from the Tata

Magic vehicle bearing Registration No. BR07GB5073.

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. The petitioner no.1 is the driver whereas petitioner no.2 is the cleaner of the vehicle, in question. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. In course of investigation, nothing adverse has come against the petitioners. 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 30.06.2024 without any rhymes or reason.

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

6. 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 Digha
P.S. Case No. 403 of 2024.

(Rudra Prakash Mishra, J)

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