

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57957 of 2024

Arising Out of PS. Case No.-248 Year-2024 Thana- ATRI District- Gaya

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1. Kavi Kumar S/O Shivnandan Yadav R/O Vill Sudhni, Ps Wazirganj, Dist Gaya
 2. Chhotu Yadav S/O Tun Tun Yadav R/O Vill Sudhni, Ps Wazirganj, Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, 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 Atri P.S. Case No. 248 of 2024 instituted for the offences under Sections 30(a) and 41 of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, the police has recovered 65 liters of illegal Mahua liquor from the Passion Pro Motorcycle.

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. 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 11.07.2024 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 Atri P.S. Case No. 248 of 2024.

(Rudra Prakash Mishra, J)

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