

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62453 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- Geedha District- Bhojpur

1. Sarvjeet Kumar @ Sarvjeet Rai, Male, aged about 45 years, S/o Late Jagddish Rai, Resident of Village- Dharmpur, P.S. Koilwar, District- Bhojpur.
2. Dhanjee Prasad @ Dhanjee Nut, Male, aged about 30 years, S/o Meghnath Nut, R/o vill - Panditpur, P.S. - Barahara, Distt.- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Raju Singh, Advocate
For the Opposite Party	:	Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Gidha P.S. Case No. 61 of 2024 dated 30.06.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018

3. As per the prosecution case, 360 litres of country made liquor was recovered from the *Tempo* in question which was driving by the co-accused Md. Danish Ansari. It is further alleged that 100 litres of country made liquor was recovered from the *Motorcycle* in question on which the petitioners were boarded and they were apprehended.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioners. They have no concern with the alleged offence. There is no statutory compliance of Section 100 of the Cr.P.C. The petitioners are not the owner of the *Motorcycle* in question from which 100 litres of country made liquor was recovered. It is further submitted that the other co-accused person, namely, Md. Danish Ansari from whose *Tempo*, 360 litres of illicit country made liquor was recovered has already been granted bail by a Bench of this Court vide Cr. Misc. No. 60065 of 2024 under order dated 21.08.2024. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 30.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge, Excise Court No. II, Bhojpur
at Ara in connection with Gidha P.S. Case No. 61 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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