

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71563 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- Excise P.S. District- Gopalganj

1. Raushan Kumar Son of Rambharosh Yadav Resident of Village-Adharpur, P.S-Baheri, Dist- Darbhanga
2. Vir Kumar Yadav @ Vir Kumar Son of Kirai Yadav Resident of Village-Chakchintamanpur, P.S.- Munigachhi, Distt.- Darbhanga
3. Shankar Kumar Yadav Son of Late Budhan Yadav Resident of Village-Chakchintamanpur, P.S.- Munigachhi, Distt.- Darbhanga
4. Satish Kumar Son of Shyam Yadav @ Shyam Sunder Yadav Resident of Village- Bantail, P.S.- Baheri, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Mohammadpur Excise P.S. Case No. 47 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. As per prosecution case, the police has recovered 40.860 liter illicit foreign liquor from the secret compartment under the back light and gate which is specifically made for smuggling liquor in the alleged i10 car bearing Regd. No.



DL2CAE5625 in which all the petitioners were riding.

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 petitioners are neither owner of the seized Hyundai Car nor have any concern with the alleged recovered liquor. The petitioner no.1 is the professional driver hired by the owner of the vehicle, in question and other three petitioners are said to have taken lift to visit Muzaffarpur for their home town as they work as labourer at Delhi. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 04.07.2024 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 Mohammadpur Excise P.S. Case No. 47 of 2024.

(Rudra Prakash Mishra, J)

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