

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71547 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- SRIPUR District- Gopalganj

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1. Dipak Maddheshiya @ Deepak Madesiya Son of Late Shiv Kumar @ Late Shiv Kumar Maddheshiya Resident of Village - Barhaj Bazar, P.S. - Barhaj, District - Deoria (Uttar Pradesh)
 2. Nitish Kumar Singh Son of Rajkumar Singh Resident of Village- Nandpur, P.S. - Khampar, District- Deoria (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s : Ms. Asha Devi, 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. Learned counsel for the petitioner is directed to make necessary correction in the provision portion of the bail petition in course of the day.

3. The petitioners seek bail in connection with Sripur P.S. Case No. 123 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, the police has recovered 90 liters illicit country-made liquor from the seat and dickey



of Alto car bearing Regd. No. UP14AL5584.

5. 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 of the car whereas petitioner no.2 is the passenger of the alleged car and were plying the car as per direction of the owner of the car and, thus, the petitioners have no concern with the alleged car or the seized liquor. 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 24.07.2024 without any rhymes or reason.

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

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 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 Sripur
P.S. Case No. 123 of 2024.

(Rudra Prakash Mishra, J)

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