

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70970 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- SRIPUR District- Gopalganj

1. Sanyasi Paswan @ Sanyashi Paswan S/O Late Mukhan Paswan Resident of Village- Sallahpur, P.S- Lalganj, District- Vaishali
2. Mithlesh Sahni @ Mithlesh Kumar S/O Late Pradeep Sahni R/O Village- Eraji Nainha, P.S- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, 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 Sripur P.S. Case No. 108 of 2024 (Trial No. 5168 of 2024) instituted for the offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 86 liters illicit country-made liquor from the secret compartment specially made for smuggling of liquor of Scorpio car bearing Regd. No. BR01PB0212 which was being driven by the petitioners. The petitioners were arrested at the spot.

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 due to ulterior motive of the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner no.1 is the driver whereas the petitioner no.2 is the Khalasi of the alleged vehicle. The petitioners were having no knowledge about the illicit liquor being kept in the vehicle. The petitioners have no concern either with the alleged vehicle or 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 petitioner no.1 has one of similar nature of offence in which he is on bail whereas the petitioner no.2 has got no criminal antecedent and are languishing in judicial custody since 01.07.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

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,



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. 108 of 2024 (Trial No. 5168 of 2024).

(Rudra Prakash Mishra, J)

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