

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73955 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BALIYA District- Begusarai

1. Rishi Kumar @ Rishi Kashyap Son of Ashok Jha Resident of Mahendrapur,
P.S.- Nayagaon, Distt.- Begusarai
2. Satyam Kumar @ Satyam Kashyap Son of Ashok Jha Resident of
Mahendrapur, P.S.- Nayagaon, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Balia
P.S. Case No. 79 of 2024 instituted for the offences punishable
under Sections 290, 120B of the Indian Penal Code and 30(a),
32, 41(i), 41(ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1352.160
litres of illicit liquor was recovered from three vehicles.

4. Learned counsel for the petitioners submitted that
the petitioners have falsely been implicated in the present case.
No incriminating article has been recovered from the conscious
possession of the petitioners. Learned counsel further submitted
that petitioners are neither the owner nor the driver of the



vehicle. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 07.08.2024. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C. The co-accused person has already been granted anticipatory bail by this Bench vide order dated 02.08.2024 passed in Cr. Misc. No. 54280 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Balia P.S. Case No. 79 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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