

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74082 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- PUWAKHALI District- Kishanganj

1. Sher Mohammad, aged about 36 years (Male), Son of Shahnawaj, Resident of Village- Jarauda, PS- Kithor, District- Meerut, State- Uttar Pradesh.
2. Shah Alam, aged about 28 years (Male), Son of Mehendi Hasan @ Mehndi, Resident of Village- Jarauda, PS- Kithor, District- Meerut, State- Uttar Pradesh.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Anish Kumar, Advocate
For the Opposite Party	:	Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Pauwakhali P.S. Case No. 42/2024 dated 03.08.2024, corresponding to Special Case No. 948 of 2024 registered for the offences punishable under Section 336(2), 338 of the B.N.S., 2023 and Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 5148 litres of foreign liquor was recovered from the *Truck*.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in



the present case. It is submitted that the petitioners are driver and cleaner of the said Truck. They are neither the owner of the seized Truck nor having any concern with the liquor. They had no knowledge regarding liquor loaded by the transporter on the said Truck. There is no statutory compliance of Section 100 of the Cr.P.C. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 04.08.2024.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, 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 the learned Additional District and Sessions Judge-IV-cum-Special Judge, Excise Court No.-II, Kishanganj, in connection with Pauwakhali P.S. Case No. 42 of 2024, corresponding to Special Case No. 948 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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