

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74731 of 2024

Arising Out of PS. Case No.-361 Year-2024 Thana- Excise P.S. District- Sheikhpura

1. Bilaten Kumar S/O- Rajo Yadav Resident of Village- Mafo Bagi Tola Watrd No. 04, Police Station- Mehus and District- Sheikhpura
2. Arya Raj @ Muskan Kumar @ Muskan S/o- Sunil Paswan Village- Maur Jagdamba Asthan W.No-26, Ps- Barbiga Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Sheikhpura Excise P.S. Case No. 361 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 16.875 liters liquor was recovered from sack thrown from a motorcycle and the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners



have got no concern with the alleged recovery of liquor. It is further submitted that the petitioners are not the owner of the motorcycle in question. The alleged recovery of liquor has been made from an open place which do not belong to the petitioners and is easily accessible to public at large. The petitioners are in custody since 09.09.2024. Petitioner No. 1 has got three criminal antecedents and petitioner no. 2 has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

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 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sheikhpura Excise P.S. Case No. 361 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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