

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77100 of 2024

Arising Out of PS. Case No.-666 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Kabindra Kumar Son of Late Kamlesh Yadav R/O Vill.- Shokana Bigaha, P.S.- Kako, Dist.- Jehanabad.
2. Vivek Kumar Son of Ravindra Yadav R/O Vill.- Bulathi Bigaha, P.S.- Jehanabad(Kadauna), Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Excise (Bhabua) PS Case No. 666 of 2024 instituted for the offences under Sections 30(a), 32(1) & (3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 318 liters foreign liquor was recovered from tractor.

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



got no concern with the alleged recovery of liquor. Petitioner No.1 is the driver of the tractor, whereas petitioner No.2 is the cleaner of the tractor. The petitioners are in custody since 24-08-2024, and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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, clean antecedent of the petitioners 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 Excise (Bhabua) PS Case No. 666 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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