

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77390 of 2024

Arising Out of PS. Case No.-343 Year-2024 Thana- ALAMNAGAR District- Madhepura

1. Mithun Paswan S/o Sogindra Paswan @ Sogendu Paswan @ Sogindar Paswan Resident of Village PaswanTola Alam Nagar, ward No. 11, P.S.- Alamnagar, District- Madhepura.
2. Rocky Kumar S/o Late Jai Prakash Paswan Resident of Village PaswanTola Alam Nagar, ward No. 11, P.S.- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 28-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Alam Nagar P.S. Case No. 343 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered 10.50 litres of codeine cough syrup from the motorcycle.

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 merely on the basis of suspicion. He further



submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are neither the seller nor the purchaser of the alleged seized syrup and they have falsely been implicated in this case. He further submits that the alleged cough syrup was recovered from the possession of the petitioner no.1 but, the petitioners have no knowledge about the alleged seized cough syrup. The petitioner no.2 is the driver of the alleged motorcycle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner no.1 has one criminal antecedent whereas the petitioner no.2 has no criminal antecedent. The petitioners are languishing in judicial custody since 30.08.2024 without any rhymes or reason.

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 Alam Nagar P.S.
Case No. 343 of 2024.

(Rudra Prakash Mishra, J)

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