

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79790 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- Excise P.S. District- Arwal

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Jitendra Kumar, aged about 35 years, Male, Son of Rajdev Bhagat, Resident of Village- Bhagwanpur Pakari, P.S.-Lalganj, District- Vaishali.

2. Ritik Raushan Kumar, aged about 24 years, male, son of Shivashankar Bhagat, Resident of Village-Bhagwanpur Rati, P.S- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Arwal Excise PS Case No. 285 of 2024 instituted for the offences under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 927 litres of foreign liquor was recovered from Mahindra Bolera Pick-up.

4. Learned counsel for the petitioners submit 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. It is submitted that petitioner no. 1 is the driver and petitioner no. 2 is the co-driver of the vehicle in question. They have no knowledge regarding nature of goods laden in the vehicle. The petitioners is in custody since 28.08.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 Arwal Excise PS Case No. 285 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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