

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78233 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

1. Premchand Yadav @ Premchandra Yadav Son of Late Surendra Yadav village -Sikatiya Police station -Jamo Bazar, Dist- Siwan
2. Nandkishor Kumar son of Late Madan Ram village -Sikatiya Police station -Jamo Bazar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Vishambharpur P.S. Case No. 133 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, 140 liters liquor was recovered from two motorcycles out of which 95.200 liters liquor has been recovered from the motorcycle of the petitioner 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 has been recovered from



the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners further submits that the petitioners are driver and passenger of the motorcycle in question. The petitioners are in custody since 15.09.2024 and have got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 Vishambharpur P.S. Case No. 133 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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