

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78248 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- Excise P.S. District- Begusarai

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1. Sanjiv Pandey @ Sanjiv Kumar Pandey S/O Virendra Pandey R/O- Village- Sarae Dhanesh, Ward No- 1, P.S- Sahdei, District- Vaishali.
 2. Ratan Kumar S/O Krishnanadan Prasad Singh R/O- Village- Rahimpur Panchkhuti, Ward No- 12, P.S- Mufassil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, 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 connection with Excise PS Case No. 326 of 2024 instituted for the offences under Sections 30(a) & 32(B) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 193.500 liters of foreign liquor was recovered from bus. Petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that the petitioner 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 and petitioner No.2 is *khalasi* of the bus. The petitioners are in custody since 23-09-2024, and have 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 PS Case No. 326 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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