

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78919 of 2024

Arising Out of PS. Case No.-970 Year-2024 Thana- Excise P.S. District- Purnia

1. Md. Nasim S/o Late SK. Salim R/o vill - Pokharia, ward no. 4, P.S. - Mufassil, Distt.- Purnea
2. Ajay Kumar S/o Kamdev Uraon R/o vill - Birpur Lokhra ward no. 07, P.S. - Mufassil, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in connection with Excise P.S. Case No. 970 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered total 417.000 litre illegal foreign liquor from the Mahindra Bolero Pick-up bearing Regd. No. WB59B-2704.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to highhandedness of the local village politics.



The petitioner no.1 is the driver whereas the petitioner no.2 is the co-driver of the vehicle. The petitioners are not the owner of the alleged vehicle. The petitioners were arrested on spot but, nothing incriminating has been recovered from their conscious possession. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have no concern with the seized liquor. The petitioners were not aware of the contents of the material loaded in the alleged vehicle. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner no.1 has two criminal antecedents whereas petitioner no.2 has no criminal antecedent and are languishing in judicial custody since 30.09.2024 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 Excise P.S. Case No.
970 of 2024.

(Rudra Prakash Mishra, J)

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