

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82353 of 2024

Arising Out of PS. Case No.-281 Year-2024 Thana- Daudnagar Excise District- Aurangabad

1. Aryan Kumar Son of Kailash Bharti Resident of Village - Pakri Soheya, Post and P.S. - Salaiya, District - Gaya, 824210, Bihar
2. Chotu Kumar Son of Babuchand Bharti Resident of Village - Pakri Soheya, Post and P.S. - Salaiya, District - Gaya, 824210, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Daudnagar Utpad P.S. case No. 281 of 2024 instituted for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 85.5 liters liquor was recovered from tempo.

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. It is



further submitted that the petitioners are driver and conductor of the vehicle in question who have been hired on daily wages and they have no knowledge regarding nature of goods kept in the vehicle. The petitioners are in custody since 03.07.2024 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 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 Daudnagar Utpad P.S. case No. 281 of 2024.

(Rudra Prakash Mishra, J)

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