

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83875 of 2024**

Arising Out of PS. Case No.-749 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Rahul Giri S/o- Satish Giri Village- Bupaniya PS-Badali District- Jhajajar (Hariyana)
2. Harsh Malik S/o- Rai Singh Malik Village- Dabouda Khurd Ps- H.L City Dist- Jhajajar Hariyana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      09-12-2024                      Heard learned counsel for the petitioners and learned APP for the State.

2.      The petitioners seek bail in connection with Excise PS Case No. 749 of 2024 instituted for the offences under Sections 30(a), 32(3), 32(i), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act.

3.      The prosecution case, in short, is that total 262.250 litres of foreign liquor was recovered from the Car.

4.      Learned counsel for the petitioner 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 passenger of the seized vehicle and they have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 27.09.2024 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 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. 749 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Ranjan/-

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