

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81802 of 2024

Arising Out of PS. Case No.-1573 Year-2024 Thana- Excise P.S. District- East Champaran

1. Nishant Giri S/o Sheshhnath Giri R/o vill - Gurhenwa, P.s. - Kundwa Chainpur, Distt.- East Champaran
2. Mithlesh Kumar S/o Shambhu Paswan R/o vill - Gurhenwa, P.s. - Kundwa Chainpur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-12-2024 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. 1573 of 2024 instituted for the offences under

Section 30(a) of the Bihar Prohibition and Excise

(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered

total 144 litres of country made illicit Nepali Sofi liquor from

the possession of the petitioners.

4. Learned counsel for the petitioners submits 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 ulterior motive and high-handedness of the police. The petitioners are the owner of the seized motorcycles having no concern with the alleged seized liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 20.09.2024 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 and the petitioners having no criminal antecedent, 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. 1573 of 2024.

(Rudra Prakash Mishra, J)

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