

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85677 of 2024

Arising Out of PS. Case No.-384 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Niraj Kumar S/o Yadav Lal Yadav Resident Of Village- Katkuyiya, P.S. - Chiraiya, Distt.- East Champaran
2. Vikash Kumar S/o Yogendra Yadav Resident Of Village- Katkuyiya, P.S. - Chiraiya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Chiraiya PS Case No. 384 of 2024 instituted for the offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 44.400 litres of Nepali country made liquor was recovered from motorcycle.

4. Learned counsel for the petitioners 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 motorcycle in question does not belong to the petitioners. The petitioners are in custody since 03.10.2024. Petitioner no. 1 has two criminal antecedents and petitioner no. 2 has one 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 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 Chiraiya PS Case No. 384 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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