

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86821 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- KORMA District- Sheikhpura

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1. Rohit Kumar S/o Late Karu Ram R/o vill - Murarpur, P.S. - Korma, Distt.- Sheikhpura
 2. Vijay Ram S/o Late Shivam Ram R/o vill - Murarpur, P.S. - Korma, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Korma PS Case No. 112 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 50.500 liters country made liquor was recovered from the house of petitioner No.1. Petitioners were arrested on the spot.

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 submitted that recovery is made from joint house of the petitioner No.1, where other family members also resides. The petitioners are in custody since 03-10-2024. Petitioner No. 1 bears nine criminal antecedents whereas, petitioner No.2 bears two criminal antecedents. 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 petitioner No.1, namely, **Rohit Kumar** be released on bail, *after framing of charge, if not already framed*, and petitioner No.2, namely, **Vijay Ram** 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 Korma PS Case No. 112 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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