

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83194 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- Excise P.S. District- Araria

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1. Gautam Kumar S/O- Raj Kishor Ray Resident of Village- Birsinghpur Ward No. 08, Police Station- Kalyanpur District- Samastipur
 2. Bihari Babu @ Bihar Babu S/o- Upendra Ray Village- Ajarkabe Rasalpur Baghala Ps-Chakmehasi Dist-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Araria Excise Circle (Prohibition P.S. Araria) PS Case No. 325 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 648 liters of foreign liquor was recovered from Pickup van. Petitioners were arrested from 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. Petitioner No.1 is said to be driver whereas petitioner No.2 is said to be co-driver of the vehicle in question. Learned counsel goes on to submit that petitioners were oblivious of illicit liquor laden in the vehicle. The petitioners are in custody since 28-09-2024 and petitioner No 1 bears no criminal antecedent whereas petitioner No.2 bears one criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023.

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 Araria Excise Circle (Prohibition P.S. Araria) PS Case No. 325 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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