

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84879 of 2024

Arising Out of PS. Case No.-961 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Munna Kumar S/O Pawan Prasad Gupta R/O Shahpur road, Jamuna Nagar, P.S.- Aurangabad Town, Dist.- Aurangabad.
2. Niraj Kumar S/O Pramod Saw R/O Shahpur road, Jamuna Nagar, P.S.- Aurangabad Town, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 P.S. Case No. 961 of 2024 instituted for the offences under Sections 30(a), 30(c), 30(d), 32(3) and 36 Bihar Prohibition and Excise (Amendment) Act, 2016.

3. As per prosecution case, the police has recovered total 108 litres of illicit country-made liquor, 75 litres of spirit, 500 empty bottles from the campus of *Shamshan Ghat*. The police has also seized a Motorcycle bearing Regd. No. BR01BG1481.

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 merely on the basis of suspicion. The petitioners are daily labourers. The petitioners are neither owner nor rider of the seized vehicle. The petitioners have also no concern with the alleged recovery of illicit liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. There is a non-compliance of Section 103 and 105 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 24.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Ajay Paswan, Munna Kumar and Bablu Soni @ Bablu Kumar Soni have already been granted bail by this Court vide order dated 20.11.2024 passed in Cr. Misc. No. 80635 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. 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. 961 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

