

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7008 of 2025

Arising Out of PS. Case No.-1323 Year-2024 Thana- Excise P.S. District- Gaya

1. Deepak Kumar S/o Raj Kumar Chaudhary R/o Village- Patiauna, PS- Barachatti, Dist- Gaya
2. Dipak Kumar S/o Suresh Chaudhary @ Suresh Choudhry R/o vill - Suryamandal, P.S. - Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise PS Case No. 1323 of 2024 instituted for the offences under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 46.250 liters liquor was recovered from Tempo. 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 petitioners were the passerby and police on extraneous consideration has implicated the petitioners. Learned counsel next submits that petitioners have no concern with the vehicle in question and neither they are the owner nor the driver of the vehicle. The petitioners are in custody since 10-12-2024 and have got one criminal antecedent each. 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 petitioner.

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 Excise PS Case No. 1323 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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