

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82574 of 2024

Arising Out of PS. Case No.-677 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1.

Md. Sowakin Son of Samedin Resident of Village - Sirpur, Lohara, P.S - Chhaparuli, District - Bagpat, Merath (UP)
2.

Om Singh Son of Jayapal Resident of Village - Sirpur, Lohara, P.S - Chhaparuli, District - Bagpat, District - Merath (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Mohania PS Case No. 677 of 2024 instituted for the offences under Sections 318(4), 338, 336(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 30(a) & 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 3010.650 liters foreign liquor was recovered from truck. 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. Petitioner No.1 is the driver of the truck whereas petitioner No.2 was sitting in the truck and they were oblivious of the fact that illicit liquor was laden in the truck. The petitioners are in custody since 16-10-2024 and have got no criminal antecedent. 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, clean antecedent of the petitioners 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 Mohania PS Case No. 677 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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