

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88123 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- EXCISE SHERGHATI District- Gaya

1. Arjun Kumar S/o Ram Keshwar Chaudhary (Driver), R/o Village- Sanda, P.S.- Kutumba, District- Aurangabad (Bihar)
2. Manish Kumar S/o Krishna Paswan R/o Village- Sanda, P.S.- Kutumba, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise (Sherghati) P.S. Case No. 172 of 2024, instituted for the offences punishable under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 525 liters spirit was recovered from Bolero car and the petitioners were apprehended on 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 have been recovered



from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of spirit. Learned counsel for the petitioners further submits that petitioner no. 1 is driver and petitioner no. 2 is co-driver of the said vehicle in question and they have got no knowledge regarding the goods being loaded in the vehicle. The petitioners are in custody since 06.10.2024 and have got no criminal antecedent. There is no compliance of Section 103 of of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise (Sherghati) P.S. Case No. 172 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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