

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87771 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- EXCISE SHERGHATI District- Gaya

1. Ramdayal Kumar Son of Pratap Sao @ Pratap Saw Resident of village- Kalwan (Kalwat), P.S. Amas, District- Gaya (Bihar)
2. Raj Kumar Son of Chander Sao Resident of village- Kalwan (Kalwat), P.S. Amas, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Excise (Sherghati) P.S. Case No. 171 of 2024 dated 04.10.2024 registered for the offences punishable u/s 30(a), 32(c) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 100 litres of illicit country made liquor was recovered *from the e-rickshaw*.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no concern with the



alleged recovery. The petitioner no. 1 namely *Ramdayal Kumar* is the driver of the said seized vehicle and the petitioner no. 2 namely *Rajkumar* is the co-passenger. The petitioners are not the owner of the said seized vehicle. Nothing has been recovered from the conscious possession of the petitioners. The petitioner no. 1 has clean criminal antecedent whereas petitioner no. 2 has one criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 05.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioners and the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Excise (Sherghati) P.S. Case No. 171 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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