

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88102 of 2024

Arising Out of PS. Case No.-334 Year-2024 Thana- DAGARUA District- Purnia

1. Niraj Kumar S/O Sitaram Singh @ Sita Ram Singh Resident of Village - Puraini, Ward No- 09, P.S- Puraini, District- Madhepura
2. Ganauri Singh Son of Ram Ji Singh @ Raji Singh Resident of Village- Puraini, Ward No.02. Police Station- Puraini, District- Madhepura,
3. Mantu Mahto Son of Pachu Mahto @ Pachu Mahto Resident of Village- Topra Bintoli, Ward No.9, Police Station- Rupauli, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Bhagat, Adv.
For the Opposite Party/s : Mr. Chaubey Jawahar, 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 Dagarua P.S. Case No. 334 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered total 643.800 liters of illicit foreign liquor from the Tata 406 vehicle bearing Regd. No. BR11GD-1230.

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern either with the alleged seized Tata 407 vehicle or the recovered liquor. The petitioners were simply passengers in the vehicle and had no knowledge of the illicit liquor being kept in the vehicle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and is languishing in judicial custody since 04.11.2024 without any rhymes or reason.

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

6. 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 Dagarua
P.S. Case No. 334 of 2024.

(Rudra Prakash Mishra, J)

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