

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87522 of 2024

Arising Out of PS. Case No.-538 Year-2024 Thana- NARPATGANJ District- Araria

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1. Ravi Kumar Son of Late Kamal Singh Resident of Village- Malipur, Police Station- Pakbara, District -Muradabad (U.P)
 2. Durgesh Son of Shisupal Singh Resident of Village- Malipur, Police Station- Pakbara, District -Muradabad (U.P)

... .. 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. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Narpatganj P.S. Case No. 538 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered 5652 liters of illicit foreign liquor from the truck. Both the petitioners were arrested on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The



petitioners have not committed any offence as alleged in the F.I.R. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioners or from their house. The petitioners are the driver and cleaner of the alleged vehicle and, thus, they were not aware of the illicit liquor being kept in the same. The petitioners have no concern with the recovered liquor. 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 28.10.2024 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, stating that the offence alleged against the petitioners is serious in nature. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Narpatganj P.S. Case No. 538 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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