

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87298 of 2024

Arising Out of PS. Case No.-554 Year-2024 Thana- NARPATGANJ District- Araria

1. Nadim Ahmad @ Nadeem Son of Jimal Ahmad Resident of Village- Majullanagar, Police Station- Kemri and District -Rampur (U.P)
2. Farman Ali @ Farman Son of Farjan Ali Resident of Village- Paharpur, Ward No. 15, P.S.- Rudrapur, Distt.- Nainital (Uttarakhand)

... .. 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 29-01-2025 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. 554 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 total 4545 liters illicit foreign liquor from inside the transformer which was loaded on the truck. Both the petitioners were arrested on the spot.

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 are driver and cleaner respectively of the alleged truck and they have no knowledge of the alleged illicit liquor being kept on the same. The petitioners have no concern with the alleged recovery of illicit 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 are languishing in judicial custody since 05.11.2024 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, stating that huge quantity of illicit liquor has been recovered and, hence, the petitioners do not deserve bail of this Court.

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, *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. 554 of 2024.

(Rudra Prakash Mishra, J)

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