

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89417 of 2024

Arising Out of PS. Case No.-794 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Jitendra Tiwari Son of Late Rajvansh Tiwari Resident of Village - Pipra Karnpura, P.O. and P.S. - Durgawati, District - Kaimur at Bhabhua
2. Raj Kumar Tiwari Son of Late Sajan Tiwari Resident of Village - Pipra Karnpura, P.O. and P.S. - Durgawati, District - Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kiran Kumari Sharma, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-01-2025 Heard Mr. Chaubey Jawahar, learned counsel for the petitioners and Ms. Kiran Kumari, learned APP for the State.

2. The petitioners seek bail in connection with Bhabhua PS Case No. 794 of 2024 instituted for the offences under Sections 30(a), 32(i), (ii) and (iii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 259.200 litres of foreign liquor was recovered from Truck.

4. Learned counsel for the petitioners submit 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 liquor. It is



submitted that petitioners are driver of the seized truck and they have no knowledge regarding the nature of goods booked by the transporter. The petitioners are in custody since 15.10.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. 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, clean antecedent of the petitioners 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhabhua PS Case No. 794 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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