

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89468 of 2024

Arising Out of PS. Case No.-309 Year-2024 Thana- Excise P.S. District- Madhubani

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1. Dharmendra Kumar Shah S/O Kusheshwar Shah Resident of Village- Maholiya, Ward No. 1, P.S- Ladaniya, District- Madhubani.
 2. Kundan Kumar Shah S/O Bhola Shah Resident of Village- Maholiya, Ward No. 1, P.S- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kundan Kumar Shah S/O Bhola Shah Resident of Village- Maholiya, Ward No. 1, P.S- Ladaniya, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-01-2025 Heard Mr. Shailendra Kumar Jha, learned counsel

for the petitioners and Mrs. Renu Kumari, learned APP for the

State.

2. The petitioners seek bail in connection with

Madhubani Excise P.S. Case No. 309 of 2024, instituted for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act.

3. The prosecution case, in short, is that, 1665 liters

liquor was recovered from pick-up vehicle and the petitioners

were apprehended on spot.

4. Learned counsel for the petitioners submits 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. Learned counsel for the petitioner further submits that the petitioners are neither owner nor driver of the said vehicle in question. The petitioners took lift in that vehicle and have no knowledge regarding the goods being loaded in the vehicle. The petitioners are in custody since 11.11.2024 and have got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhubani Excise P.S. Case No. 309 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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