

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.746 of 2025

Arising Out of PS. Case No.-1072 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Md. Hasnain S/o Rabbul Hasan R/o Vill- Lalpur Milak, Ward No. 24, P.S.- Mainther, Dist- Muradabad (U.P.)
2. Jafar Khan S/o Munne Khan R/o Vill- Faijganj, Behata Ward No. 8, P.S.- Behata, Dist- Budaun(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Aurangabad PS Case No. 1072 of 2024 instituted for the offences under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 1938.600 liters foreign liquor was recovered from TATA container.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have



got no concern with the alleged recovery of liquor. Petitioner No.1 is the owner, whereas petitioner No.2 is the cleaner of the vehicle in question, while driver managed to escape from the spot. The petitioners are in custody since 27-10-2024 and have got no criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023.

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 Aurangabad PS Case No. 1072 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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