

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89305 of 2024

Arising Out of PS. Case No.-1147 Year-2024 Thana- Excise P.S. District- Purnia

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1. Md. Tabrej S/o- Md. Iliyas Moh- Madhubani Tola ward no.15 Ps- K.hat District-Purnea
 2. Mukesh Sah S/o- Sukhlal Sah Village- Mahboob Khan Tola Gurudawara Road W.NO-13 Ps- Khazanchi Hat Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 1147 of 2024, instituted for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1192.08 liters liquor was recovered from Bolero 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 petitioners further submits that the petitioners are not the owner of the said vehicle in question. Petitioner no. 1 is labour and petitioner no. 2 is driver of the said vehicle in question. The petitioners are in custody since 02.12.2024 and have got two criminal antecedents in which they are on bail in both the cases. 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 Excise P.S. Case No. 1147 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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