

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2104 of 2025

Arising Out of PS. Case No.-323 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1.

Sajid Son of Sher Mohammad @ Sher Mohd Resident of Village- Malab, P.S -Nunh, District -Mewat, State- Haryana
2.

Aawesh Khan son of Amin Khan village- Dhamri, Ps- Pahari, Dist- Bharatpur State- Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2

22-01-2025

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Durgawati PS Case No. 323 of 2024 instituted for the offences under Sections 318(4), 338, 336(3) of B.N.S. and 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1710.72 litres of foreign liquor was recovered from Mahindra Pick-up.

4. Learned counsel for the petitioners submit 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. It is



submitted that petitioner no. 1 is the driver and petitioner no. 2 is the co-driver of the seized vehicle and they have no knowledge regarding the nature of goods booked by the transporter. The petitioners are in custody since 12.10.2024 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 Durgawati PS Case No. 323 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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