

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1180 of 2025

Arising Out of PS. Case No.-309 Year-2024 Thana- GAYA RAIL P.S. District- Gaya

1. Abhishek Kumar Singh @ Abhishek Singh @ Abhishek Kumar Son of Mundrika Prasad @ Mundrika Yadav Resident of Saheb Nagar, Ward No. 8, P.S.- Chandauti, Distt.- Gaya
2. Raju Raj Son of Shashi Bhushan @ Shashi Bhushan Prasad Resident of Saheb Nagar, Ward no. 08, P.S.- Chandauti, Distt.- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Rail Gaya 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 total 57 litres of foreign liquor has been recovered from bag of petitioner no. 1 whereas 56.25 litres of foreign liquor has been recovered from bag of petitioner no. 2.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case.



No incriminating article has been recovered from the conscious possession of the petitioners rather the recovery has been made from the bag kept in an open place. The petitioners have got no concern either with the bag or with the alleged recovery of liquor. The petitioners are in custody since 05.12.2024 and have no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rail Gaya P.S. Case No. 309 of 2024.

(Rudra Prakash Mishra, J)

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