

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58668 of 2022

Arising Out of PS. Case No.-637 Year-2022 Thana- ALAMGANJ District- Patna

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PRAHALAD KUMAR Son of Upendar Kumar Resident of Sakin Kapur
Singh Gafai, Chota Bazar, P.S.- Chirmiri, District - Koriya, Chhatisgarh,
Presently Residing At - as a Renter in House Rajaji, Rajendar Nagar Road
No.- 10, P.S.- Kadamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Piyush Saurav, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Alamganj P.S. Case No. 637 of
2022, for the offence registered under Section 414
of the Indian Penal Code and Sections 30(a) and 36
of the Bihar Prohibition & Excise (Amendment) Act,
2018.

The accusation against the petitioner is
that he was apprehended on the alleged date and
time of occurrence by the police along with a
motorcycle and about 100 litres of illicit country
made liquor was recovered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 23.08.2022. The learned counsel for the petitioner has further submitted that the seizure list does not contain the sign of independent witnesses, hence there is violation of Section 100 Cr.P.C. It is also submitted that the petitioner has filed a supplementary affidavit wherein it has been stated that the petitioner is neither the owner nor the driver of the motorcycle in question, hence the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner, apart from the



fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Alamganj P.S. Case No. 637 of 2022.

(Mohit Kumar Shah, J)

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