

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78248 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- Excise P.S. District- Madhubani

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Jitendra Kumar S/O Binay Kumar Choudhary R/O Village- Rupauli, P.S-
Bisanpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Benipatti Prohibition Case No. 34 of 2023 instituted for the
offences under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. Prosecution allegation, in short, is that total 243
litres *Nepali* liquor was recovered from the dicky of the
‘Scorpio.’

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 03.08.2023 and has no criminal
antecedent. The petitioner has falsely been implicated in the
present case. Nothing has been recovered from the conscious



possession of the petitioner. Petitioner has no concern with the alleged recovery and the vehicle from which recovery has been made. Petitioner is neither the driver nor the owner of the vehicle from which the recovery was made.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that nothing incriminating was recovered from the conscious possession of the petitioner, as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Benipatti Prohibition Case No. 34 of 2023 or G.O. No. 2661 of 2023.

(Rudra Prakash Mishra, J)

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