

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9826 of 2024

Arising Out of PS. Case No.-1088 Year-2023 Thana- Excise P.S. District- Bhagalpur

Rahul Kumar Son Of Shivnarayan Mandal village -Gajhar Lakhraj PS
-Triveniganj District -Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Atul Kumar, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

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

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bhagalpur Excise (Sadar) P.S. Case No. 1088 of 2023 instituted
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, there is recovery of total
167.76 liters of illicit foreign liquor from Baleno car.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-08-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Petitioner has no concern with the alleged recovered liquor. Petitioner is owner of the vehicle in question. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973. Other co-accused have been allowed bail by a Co-ordinate Bench of this Court *vide* order dated 02-12-2023 passed in Cr. Misc. No. 77199 of 2023.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner, claim based on parity and manner of implication, this Court is inclined to grant bail to the petitioner.

8. 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 Bhagalpur Excise (Sadar) P.S. Case No. 1088 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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