

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9591 of 2024

Arising Out of PS. Case No.-773 Year-2023 Thana- FATEHPUR District- Gaya

Kaushal Kumar S/o Sarju Yadav R/o Village - Basua, P.S. - Fatehpur, Dist. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Akshay Lal Pandit, 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 Fatehpur P.S. Case No. 773 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is recovery of total 150 liters of illicit country made liquor from motorcycle.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22-10-2023. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

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 neither the owner nor the driver of the vehicle in question. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

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 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 Fathepur P.S. Case No. 773 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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