

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6650 of 2024**

Arising Out of PS. Case No.-328 Year-2023 Thana- MOHIUDDIN NAGAR District-  
Samastipur

=====

Dharmendra Kumar son of Ram Chandra Rai R/o- Utari Dumri Ps- Patori  
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Abhay Kumar, APP

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

ORAL ORDER

2      16-02-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with  
Mohiuddin Nagar P.S. Case No. 328 of 2023 instituted for the  
offence under Section 30(a) of the Bihar Prohibition and Excise  
Act (Amended) 2022.

3.      As per prosecution case, there is recovery of total  
12.750 liters of illicit Indian made foreign liquor from  
motorcycle.

4.      It has been submitted on behalf of the petitioner  
that the petitioner is in custody since 28-11-2023. 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 is the owner of the bike in question. Petitioner has no concern with the alleged recovered liquor and nothing has been recovered from the possession of the petitioner. In fact, seizure list is not prepared in accordance with law. 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 Mohiuddin Nagar P.S. Case No. 328 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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