

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14137 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- JALE District- Darbhanga

Lakky Kumar Son of Sushil Thakur Resident of Village- Jale, Ps- Jaley, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Jale P.S. Case No. 105 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 39 liters liquor was recovered from motorcycle

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The seized motorcycle does not belong to the petitioner. The petitioner is in custody since



12.10.2023 and has got one criminal antecedent as per supplementary affidavit filed on behalf of the petitioner. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.12.2023 passed in Cr. Misc. No. 79168 of 2023. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jale P.S. Case No. 105 of 2023.

(Rudra Prakash Mishra, J)

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