

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8317 of 2024

Arising Out of PS. Case No.-536 Year-2023 Thana- Excise P.S. District- Bhagalpur

Karan Kumar Son Of Late Kundan Saw @ Kundan Sah @ Kundan Kumar
Sah Resident Of Village- Ganesh Sthan (MADHEPURA), Ward No. 13,
Saahugadh 2, Ps- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Ranjan, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise (Kahalgaoon) P.S.
case No. 536 of 2023 instituted for the offences under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that petitioner
along with co-accused persons was apprehended along 2076
liters liquor from a truck.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. The
petitioner has got no concern with the alleged recovery of
liquor. The vehicle in question does not belong to the petitioner.
The petitioner is said to be driver of the vehicle. No



incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 10.10.2023 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 08.02.2024 passed in Cr. Misc. No. 82315 of 2023.

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, the period of custody undergone by the petitioner and the petitioner having clean antecedent, 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 Excise (Kahalgaon) P.S. case No. 536 of 2023.

(Rudra Prakash Mishra, J)

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