

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7117 of 2024

Arising Out of PS. Case No.-789 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Bittu Kumar S/O Dilip Patel @ Dilip Kumar @ Dilip Prasad R/O- Belbanwa,
Station Road, Ps.- Motihari Town, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Motihari Town P.S. Case No.789 of 2023 instituted for the
offences under Sections 30(a), 32, 41(1) of the Bihar Prohibition
and Excise Act and Section 25(1-b)(a), 26, 35 of the Arms Act.

3. Prosecution story, in short, is that total 360 ml
foreign liquor and 10 live cartridges were recovered from the
Scorpio vehicle.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely
on suspicion. Nothing has been recovered from the conscious
possession of the petitioner. Petitioner has no concern with the



alleged recovery. Learned counsel further submitted that petitioner is neither the owner nor the driver of the said vehicle. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.12.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motihari Town P.S. Case No.789 of 2023.

(Rudra Prakash Mishra, J)

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