

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7931 of 2024

Arising Out of PS. Case No.-637 Year-2023 Thana- Excise P.S. District- Vaishali

Bablu Kumar son of Nagendra Rai Village- Mile W.No-11, Ps- Bidupur Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Excise P.S. Case No. 637 of 2023 instituted for the offences
under Section 30(a), 32(3), 41(1), 41(2) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence and saw
one white Bolero vehicle is coming. After seeing the police
party, he tried to flee away from there but, the raiding party
surrounded the said Bolero and apprehended the accused
persons. On query, the driver of the Bolero vehicle disclosed his
name as Bablu Kumar (the petitioner) and the another person,
who was sitting next to the driver, disclosed his name as Ankaj



Kumar. On search, the police recovered altogether 200 liters illegal liquor from the said Bolero bearing Registration No. BR-01PB-9306.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not aware of the contents of the material loaded in the vehicle. The petitioner has no concern with the seized liquor or the vehicle, in question. The owner of the vehicle is his mother. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 and 102 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 20.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Hajipur Excise P.S. Case No. 637 of 2023.

(Rudra Prakash Mishra, J)

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