

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7250 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- SIMRI District- Darbhanga

Amresh Kumar @ Amresh Rai S/o Lalu Ray R/o Vill - Hattha @ Hatha
Kalyan Nagar, P.S. - Piyar @ Piar, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

**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 Simri
P.S. Case No. 278 of 2023 instituted for the offences under
Sections 30(a)/ 41 (i)(ii) of the Bihar Prohibition and Excise
Act.

3. Prosecution story, in short, is that police on the basis
of secret information raided the place of occurrence. Seeing the
police party, all the accused persons tried to flee away but one of
the accused persons was apprehended who disclosed his name



as Amresh Kumar (petitioner). Thereafter, on the basis of disclosure made by the apprehended person, police recovered total 879.03 litres of foreign liquor from the house of Nanki Rai.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case merely on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the house of Nanki Rai and, therefore, this petitioner is not concerned with the alleged recovery. No specific overt act is alleged against this petitioner. There is no compliance of Section 100 of the Cr.P.C. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.12.2023 and has one criminal antecedent in which he is on bail.

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 Simri P.S. Case No.
278 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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