

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11092 of 2024

Arising Out of PS. Case No.-505 Year-2023 Thana- JOGAPATTI District- West Champaran

Paspat Manjhi S/o Utim Majhi R/o Vill - Khairatiya Baldiha, P.S. - Yogapatti
(Nawalpur O.P.), Dist. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Yogapatti P.S. Case No. 505 of 2023 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per prosecution case, the police has recovered
altogether 95.04 liter illegal liquor from the car bearing
Registration No. BR01PN0840.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. 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 car. The petitioner has no concern with the alleged



recovery of illicit wine or the seized vehicle. He further submits that the petitioner is not the driver of the vehicle but, due to impression that he was driving the car, he was made accused in the present case. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application in which he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 05.11.2023.

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

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, 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 Yogapatti P.S. Case No. 505 of 2023.

(Rudra Prakash Mishra, J)

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