

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8135 of 2024

Arising Out of PS. Case No.-142 Year-2023 Thana- EKANGARSARAI District- Nalanda

Saurabh Kumar @ Thagan @ Thagana @ Danga S/O- Mahendra Prasad @ Mahendra Kumar R/O- Village- Atramchak, P.S.- Ekangar Sarai, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajeev Kumar, Advocate
For the State : Mr. Nitya Nand Tiwary, 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 Ekangar Sarai P.S. Case No. 142 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there is recovery of total 14 liters 500 milliliters of 'English Wine' from the house of one '*Om Prakash Prasad*'.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14-10-2023. Petitioner bears six criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has been surfaced in this case due to confessional statement of co-accused, namely, Kaushal Kumar. Petitioner has no concern with the alleged recovered liquor. There is no compliance of Section 100 of the Cr.P.C.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and manner of implication, this Court is inclined to grant bail to the petitioner.

8. 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 Ekangar Sarai P.S. Case No. 142 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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