

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11169 of 2024

Arising Out of PS. Case No.-527 Year-2023 Thana- BARHARA District- Bhojpur

Md. Parvej Alam @ Bauna S/o Md. Islam @ Isalam R/o Vill - Gundi, P.S. -
Barhara (Krishnagarh O.P.), Dist. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar, Adv.

For the Opposite Party/s : Mr.Nand Kumar, 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

Barhara (Krishnagarh O.P.) P.S. Case No. 527 of 2023

instituted for the offences under Section 30(a) of the Bihar

Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered

altogether 160 liters country made *Mahuwa* liquor from the

orchard near *Prahans Baba Ke Kutiya* situated in the village

Gundi.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



the present case. The petitioner was not apprehended at the spot rather his name has surfaced in this case on the identification done by local Chowkidar who was having previous enmity with the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. 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 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 25.11.2023. Charge-sheet has been submitted in this case.

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 Barhara
(Krishnagarh O.P.) P.S. Case No. 527 of 2023.

(Rudra Prakash Mishra, J)

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