

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11137 of 2024

Arising Out of PS. Case No.-846 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Durgesh Kumar S/O Ganour Yadav R/O Village-Ranna, P.S.-Sadar O.P.,
District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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**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

Sadar (Sonki O.P.) P.S. Case No. 846 of 2023 instituted for

the offences under Section 30(a) of the Bihar Prohibition and

Excise Act, 2018.

3. As per prosecution case, the police has recovered

altogether 25.500 liter English wine from the motorcycle

bearing Registration No. BR-07AU-7130.

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 the alleged motorcycle was taken into custody from the house of the petitioner which belongs to his brother-in-law. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was arrested when he was sleeping in his own house and thus has no connection with the alleged occurrence. The petitioner has no concern with the seized liquor. The petitioner has four criminal antecedents as has been stated in paragraph no.3 of the present bail application but, in all, 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 13.12.2023.

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, 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 Sadar (Sonki O.P.) P.S. Case No. 846 of 2023.

(Rudra Prakash Mishra, J)

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