

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8335 of 2024

Arising Out of PS. Case No.-429 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Monu Kumar @ Monu Rai Son of Chunnu Rai @ Shatrudhan Rai Resident of
Village/Mohalla-Sadha Dhala, Police Station-Chapra Muffasil, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Muffasil (Chapra) P.S. Case No. 429 of 2021 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police, on receipt of secret information, reached at the place of occurrence. On seeing the police-party, the accused persons fled away from there leaving behind the silver colour Bolero vehicle bearing Registration No. JH10AC-9122. On search, 200 liter country made illicit liquor was recovered. The vehicle was also seized by the police.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case at the instance of local Mukhiya. The petitioner was not arrested at the spot rather the police learnt the name of the petitioner from the spy as owner of the illicit seized liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the said vehicle or the illicit liquor recovered from it. The petitioner is neither owner nor driver of the alleged seized vehicle. Charge-sheet has been submitted in this 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 08.12.2023.

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 Muffasil (Chapra)
P.S. Case No. 429 of 2021.

(Rudra Prakash Mishra, J)

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