

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11058 of 2024

Arising Out of PS. Case No.-613 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Munna Kumar Son of late Vishwanath Rai Resident of Village- Bairiya, PS-
Kotwa, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, 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
Kuchaikote P.S. Case No. 613 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 1347.84 liter Indian made foreign liquor from the
Tractor being no registration number.

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 is the driver. The petitioner was not aware of the contents of the material loaded in the Tractor. The petitioner has no concern with the alleged recovery of liquor or the alleged Tractor. 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 15.12.2023.

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 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 Kuchaikote P.S. Case No. 613 of 2023.

(Rudra Prakash Mishra, J)

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