

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10468 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- HATHUA District- Gopalganj

Nanhe Ram S/o Rajendra Ram R/o Ahirauli, P.S.-Mirganj, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepankar Raj, Advocate
For the State	:	Mr. Ajay Kumar No. 2, 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 Hathua P.S. Case No. 285 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, there is recovery of total 34 liters of illicit country made liquor from gunny bag, which was kept under the bridge.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05-01-2024. Petitioner bears one criminal antecedent, 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. Petitioner has no concern with the alleged recovered liquor. The recovery is from an open place, which is accessible to one and all. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

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 Hathua P.S. Case No. 285 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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