

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11875 of 2024

Arising Out of PS. Case No.-942 Year-2023 Thana- BODHGAYA District- Gaya

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Santosh Kumar Son of Suresh Malakar R/O-Budhgere, P.S.-Muffasil, Distt.-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-02-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bodh
Gaya P.S. Case No. 942 of 2023 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 394.2
litres of liquor was recovered from a tempo.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely
on the basis of suspicion. No incriminating article has been
recovered from the conscious possession of the petitioner.
Learned counsel further submitted that petitioner is neither the



owner nor the driver of the vehicle. Charge-sheet has been submitted in this case. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 26.12.2023 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Bodh Gaya P.S. Case No. 942 of 2023.

(Rudra Prakash Mishra, J)

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