

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11082 of 2024**

Arising Out of PS. Case No.-458 Year-2023 Thana- MIRGANJ District- Gopalganj

Golu Kumar Son of Laxman Prasad Resident of Village- Semrawn, P.s-
Mirganj , District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Sinha, Adv.

For the Opposite Party/s : Ms.Asha Kumari, 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

Mirganj P.S. Case No. 458 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 stopped a

motorcycle bearing Registration No. BR28Z2919 in which

two persons were seated. On seeing the police, they started

fleeing away but, one person along with a gunny bag fell

down from the motorcycle who was apprehended. On query,

he disclosed his name as Golu Kumar (the petitioner). On



search, the police recovered total 12.420 liter foreign liquor and 44.600 liter country made liquor from a gunny bag.

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 has no concern with the alleged seized liquor. The petitioner has also no relation with the motorcycle or the driver of the motorcycle. The petitioner was not aware of the contents of the material kept in the bag. 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 01.12.2023.

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 Mirganj P.S. Case No. 458 of 2023.

(Rudra Prakash Mishra, J)

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