

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11141 of 2024

Arising Out of PS. Case No.-258 Year-2021 Thana- MADANPUR District- Aurangabad

Niranjan Kumar S/O Suresh Prasad R/O Village- Baligaon,Ps.- Rafiganj,
Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Mishra, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, 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
Madanpur P.S. Case No. 258 of 2021 (G.R. No. 1260 of 2021)
instituted for the offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered
altogether 245 liter spirit as also seized two motorcycles.

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 owner of one of the seized motorcycles



bearing registration no. BR02AT-7595 due to which, he has been dragged in this case. The petitioner was not present at the place of occurrence. 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 08.12.2023. Charge-sheet has been submitted in this case.

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 Madanpur P.S. Case No. 258 of 2021 (G.R. No. 1260 of 2021).

(Rudra Prakash Mishra, J)

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