

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13375 of 2024

Arising Out of PS. Case No.-1187 Year-2023 Thana- Excise P.S. District- West Champaran

Lalbabu Kumar Son of Harihar Yadav R/O Village- Shyampur Kotraha, P.S.-
Nautan, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

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

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise P.S. Case No.
1187 of 2023, instituted for the offences punishable under
Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2.700 liters
liquor was recovered from one motorcycle and the petitioner
was apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. No incriminating
material has been recovered from the conscious possession of
the petitioner. The petitioner has got no concern with the alleged



recovery of liquor. It is further submitted that petitioner is the driver and not owner of the seized motorcycle, he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 16.12.2023 and has got no criminal antecedent. There is no compliance of Section 100 of 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 1187 of 2023.

(Rudra Prakash Mishra, J)

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