

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11880 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- RIVILGANJ District- Saran

Mithu Rai Son of Late Jitan Rai R/O Village- Banafar, P.S.- Baniyapur, Dist.-
Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

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

ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Rivilganj P.S. Case No. 318 of 2023 instituted for the offences
punishable under Sections 30(a), 41(1) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 1054.8
litres of illicit liquor was recovered from the pickup van.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is not the owner of the vehicle. It is further



submitted that petitioner is only the driver of the vehicle in question and has no concern with the loaded articles/liquor. The petitioner is in custody since 12.10.2023 and has no 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, clean antecedent 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 Rivilganj P.S. Case No. 318 of 2023.

(Rudra Prakash Mishra, J)

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