

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13467 of 2024**

Arising Out of PS. Case No.-198 Year-2023 Thana- Excise P.S. District- Darbhanga

Kashi Purbey S/O Shri Om Prakash Purbey Residence Of Vill/Mohalla-  
Azamnagar, Ward No. 5, Ps.- L.N.M.U Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

**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 Benipur Excise P.S.  
Case No. 198 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, 135 liters  
liquor was recovered from tempo and petitioner was  
apprehended on spot.

4. Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present 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 driver of the seized vehicle and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 28.10.2023 and has got two criminal antecedents in which the petitioner is on bail. 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 Benipur Excise P.S. Case No. 198 of 2023.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

