

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13380 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- Excise P.S. District- Aurangabad

Santosh Pathak S/O Ramashankar Pathak R/O Village- B.I.T. Mishra Gate,
P.S.- Sadar, District- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, 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 Daudnagar Excise P.S.
Case No. 06 of 2024, instituted for the offences punishable
under Sections 30(a), 32(iii), 41(i) and 41(ii) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 252.600
liters liquor was recovered from one car 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 neither owner nor driver of the seized vehicle. The petitioner is in custody since 06.01.2024 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 Daudnagar Excise P.S. Case No. 06 of 2024.

(Rudra Prakash Mishra, J)

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