

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13786 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- CHAKIA District- East Champaran

Ramsagar Kumar S/O Ramakant Prasad Gond R/O Village- Lokhana Bazar,
Ps.- Tarya Suzan, Dist.- Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Suraj Kumar Tiwari, Advocate
For the State : Ms. Renu Kumari, 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 connection with Chakia
P.S. Case No. 451 of 2023 instituted for the offence under
Section 30(a), 30(d), 34(b), 41(1) & 41(2) of the Bihar
Prohibition and Excise Act, 2022.

3. As per prosecution case, there is recovery of total
2779.38 liters of illicit Indian made foreign liquor from two
trucks.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 24-12-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel



that petitioner has been falsely implicated in the present case. Petitioner has no concern with the alleged recovered liquor. Petitioner is the co-driver of the vehicle in question. Petitioner was oblivious of the fact that illicit liquor was laden on the vehicle. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973. Other co-accused have been allowed bail by this Court passed in Cr. Misc. No. 12949 of 2024 & Cr. Misc. No. 12838 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Chakia P.S. Case No. 451 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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