

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15682 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- Excise P.S. District- Khagaria

=====

Raju Sah S/O Late Sita Ram Sah R/O Village- Sukh Saina @ Sukh Chaina,
Kailu Tola, Ward No. 3, PS.- Barhara Kothi, Dist.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Pranav Kumar, Advocate
	Mr. Rajeev Ranjan No. II, Advocate
	Ms. Kumari Rupa, Advocate
	Ms. Priyanka Kumari, Advocate
	Ms. Kumari Seema, Advocate
	Mr. Bhuneswar Mahto, Advocate
For the Opposite Party/s :	Md. Matloob Rab, APP

=====

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise Case No. 1058(C)3 of 2023, arising out of Excise P.S. Case No. 413 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, 459 liters liquor was recovered from two vehicles out of which 423 liters liquor was recovered from the vehicle of the petitioner.

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. The petitioner is only driver of the seized vehicle and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 01.11.2023 and has got one criminal antecedent in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 85765 of 2023 and order dated 25.01.2024 passed in Cr. Misc. No. 1280 of 2024. 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 Case No.



1058(C)3 of 2023, arising out of Excise P.S. Case No. 413 of
2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

