

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12886 of 2024

Arising Out of PS. Case No.-477 Year-2021 Thana- SAHPUR District- Patna

Manish Kumar Son of Kumar Rai @ Devkumar Rai @ Dev Kumar Singh
Village- Ganghara Deochand Bhagat ke Tola Ps- Shahpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Sinha, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special Excise Case No. 8644 of 2021, arising out of Shahpur P.S. Case No. 477 of 2021, instituted for the offences punishable under Sections 30(a), 30(c), 32(iii), 34, 36, 41 and 56 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 35 liters spirit was recovered behind the house of the petitioner from an open field.

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. The recovery is made from an open field which is accessible to everyone. The petitioner is in custody since 29.12.2023 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.01.2024 passed in Cr. Misc. No. 1517 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 Special Excise Case No. 8644 of 2021, arising out of Shahpur P.S. Case No. 477 of 2021.

(Rudra Prakash Mishra, J)

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