

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13103 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- Excise P.S. District- Gaya

Chhotu Kumar S/o- Nand Kishore Yadav Resident of village-Mushaina, P.S.-
Barrachatti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, 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 Excise Sherghati P.S.
Case No. 195 of 2023, instituted for the offences punishable
under Sections 30(a) and 56(b) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 81 liters
liquor was recovered from one tempo 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. 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 the petitioner is the driver and not the owner of the seized vehicle, he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 28.12.2023 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 Excise Sherghati P.S. Case No. 195 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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