

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13768 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Shahbaz Hussain S/o Md. Nurul Hoda R/o vill - Bhagalpur, P.S. - Chakulia,
Distt. - Uttardinajpur (W.B)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rampravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

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

ORAL ORDER

2 28-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Kochadhaman P.S. Case No. 321 of 2023 instituted for the
offences punishable under Section 279 of the Indian Penal
Code and Sections 30(a)/32/41/47 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 124.63
litres of liquor was recovered from *Scorpio* vehicle.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is not the owner of the vehicle. It is further submitted that petitioner is only the driver of the vehicle in question and has no concern with the loaded articles/liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 28.12.2023 and has no criminal antecedent. There is no compliance of Section 100 of the 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, clean antecedent 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kochadhaman P.S. Case No. 321 of 2023.

(Rudra Prakash Mishra, J)

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