

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13995 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Gopal Kumar S/O Mahaveer @ Mahabir R/O Village- Raipur Sonipat, P.S-
Sadar Sonipat, Dist.- Sonipat (hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Dashrath Mehta, APP

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**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
Dumariyaghat P.S. Case No. 327 of 2023 instituted for the
offence under Section 30(a)(b), 32(2), 32(3), 36, 41(1) (2) of the
Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is recovery of total
2610.360 liters of illicit foreign liquor from truck.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 25-12-2023. 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 not the owner of the vehicle in question, rather he is driver of the vehicle. 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.

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 and clean antecedent of the petitioner, 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 Dumariyaghat P.S. Case No. 327 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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