

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13362 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- Excise P.S. District- Madhubani

Chandan Kumar Son of Yogendra Ram Resident of Village- Narhiya P.S.-
Narhiya O.P., District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Md. Nazir Ansari, 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 Jhanjharpur Excise P.S.
Case No. 123 of 2023 (G.O.No. 741 of 2023), instituted for the
offences punishable under Sections 30(a), 32(i) and 32(iii) of
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 198 liters
liquor was recovered from two motorcycles out of which 99
liters liquor was recovered from the motorcycle of the petitioner.

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 not owner of the seized motorcycle. The petitioner is in custody since 12.11.2023 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 Jhanjharpur Excise P.S. Case No. 123 of 2023 (G.O.No. 741 of 2023).

(Rudra Prakash Mishra, J)

Rajorshi/-

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