

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16072 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- KARJAIN District- Supaul

Sushil Kumar @ Shushil Kumar S/O Nandan Yadav @ Dev Nandan Yadav
R/O- Village- Laxmipur Ward No.- 10, P.S.- Fulkaha, Dist.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

ORAL ORDER

2 06-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Sessions
Trial Excise Case No. 5064 of 2023 arising out of Karjain P.S.
Case No. 175 of 2023 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 135 litres
of liquor was recovered from two motorcycles.

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. Petitioner has no



concern with the alleged recovery of liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 23.12.2023 and has five criminal antecedents. 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 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 Sessions Trial No. 5064 of 2023 arising out of Karjain P.S. Case No. 175 of 2023.

(Rudra Prakash Mishra, J)

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