

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17269 of 2024

Arising Out of PS. Case No.-764 Year-2023 Thana- BIHPUR District- Bhagalpur

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Dhananjay Kumar Son of Late Paltan Kumar Resident of vill.- Sonbarsha,
P.S.-Bihpur, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bihpur P.S. Case No.
764 of 2023, instituted for the offences punishable under
Sections 37 and 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 360 ml liquor
(two pouch of 180 ml each) was recovered from a motorcycle
and the petitioner was apprehended on spot in drunken
condition.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this 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 was not examined by breath analyzer. The petitioner is in custody since 16.12.2023 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 Bihpur P.S. Case No. 764 of 2023.

(Rudra Prakash Mishra, J)

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