

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15897 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

Terash Pandit Son of Jatu Pandit Resident of Vill.-Shambhuchak Bhatwaliya
(Khokhara Rajpur), P.S.-Kalyanpur, Distt.-East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Mohammadpur P.S. Case No. 17 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
total 169.20 liter foreign liquor from the Tata Magic vehicle
bearing Regd. No. BR06PC0187.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is a professional driver. The petitioner has no
concern with the seized liquor. Nothing has been recovered



from the conscious possession of the petitioner. The petitioner was not aware of the contents of the material loaded in the alleged vehicle. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 20.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Mohammadpur P.S. Case No. 17 of 2024.

(Rudra Prakash Mishra, J)

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