

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17004 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Laxman Paswan Son of Late Munshi Paswan Resident of Village - Dudhar
Chaudhary Tola, P.S. - Nokha, District - Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, APP

**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 connection with

Mohania P.S. Case No. 37 of 2024 instituted for the

offences under Section 414 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise

(Amendment) Act, 2022.

3. As per prosecution case, the police has recovered

total 215.28 liters of illicit from a Mahindra 265DI tractor

bearing no number.

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is the driver of the seized vehicle. The petitioner was not aware of the contents of the material loaded in the alleged vehicle. The petitioner has no criminal antecedent 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 21.01.2024.

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

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, 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 Mohania
P.S. Case No. 37 of 2024.

(Rudra Prakash Mishra, J)

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