

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17547 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Rajesh Kumar Son Of Late Janardan Thakur R/O-Amapur, P.S.-Kahalgaon,
Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Naugachhia P.S. Case No. 336 of 2023 instituted for the

offences under Sections 30(a), 32(ii) of the Bihar Prohibition

and Excise Act, 2018.

3. As per prosecution case, the police has recovered

altogether 262.125 liter illegal foreign liquor from the dicky

of a Blue Hyundai (Verna) car bearing Regd. No. WB-06D-

3759.

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 neither owner nor driver of the alleged car/vehicle. 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 or the vehicle, in question. The petitioner was not aware of the contents of the material loaded in the alleged car. 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 09.10.2023. The charge-sheet has been submitted against the petitioner.

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 Naugachhia
P.S. Case No. 336 of 2023.

(Rudra Prakash Mishra, J)

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