

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18444 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Saurav Kumar @ Saurav Chaudhary Son of Late Anil Chaudhary Resident of Village-Kutahi, P.S.-Paroo, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Excise P.S. Case No. 43 of 2024, instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 810 liters liquor was recovered from pick-up van and the petitioner was apprehended on spot.

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 petitioner is neither owner nor driver of the vehicle, rather he was a passerby of that way. The petitioner is in custody since 08.01.2024 and has got one criminal antecedent in which the petitioner is on bail. 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 Excise P.S. Case No. 43 of 2024.

(Rudra Prakash Mishra, J)

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