

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19179 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- ISUAPUR District- Saran

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Raju Rai S/o Lakshaman Ray R/o Vill - Ramdhanaw, P.S. - Baniyapur, Dist. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Isuapur P.S. Case No. 255 of 2023, instituted for the offences punishable under Sections 272, 273 of the Indian Penal Code, Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 435 liters spirit was recovered from pick-up van.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present 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 spirit. It is further submitted that



petitioner is neither owner nor driver of the seized vehicle. The petitioner is in custody since 31.12.2023 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 Isuapur P.S. Case No. 255 of 2023.

(Rudra Prakash Mishra, J)

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