

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20349 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Dheeraj Kumar Son of Sri Muneshwar Upadhyay Resident of vill.-
Mubarakpur, P.S.-Shahpur, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

2 18-03-2024 Heard Mr. Bindeshwar Kumar, learned counsel for
the petitioner and Mrs. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in Kaimur (Bhabhua)
Excise P.S. Case No. 115 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, 181.440
liters liquor was recovered from car and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and 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 liquor. It is further submitted that the petitioner is neither owner nor driver of the seized vehicle. The petitioner is in custody since 14.02.2024 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 Kaimur (Bhabhua) Excise P.S. Case No. 115 of 2024.

(Rudra Prakash Mishra, J)

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