

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21571 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- GANGABRIDGE District- Vaishali

Chunnu Kumar S/o Bachcha Rai Singh R/o Village - Sahdullahpur, P.S. -
Gangabridge, Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Gangabridge P.S. Case No. 114 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 411.510 liters liquor was recovered from banana garden of the petitioner.

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 said banana orchard does not belong to the petitioner and the petitioner was not arrested on spot. Local



villagers has disclosed the name of the petitioner. The petitioner is in custody since 03.02.2024 and has got eight criminal antecedents out of which the petitioner is on bail in two cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.07.2023 passed in Cr. Misc. No. 47268 of 2023 and 48531 of 2023. 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 Gangabridge P.S. Case No. 114 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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