

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25583 of 2024

Arising Out of PS. Case No.-523 Year-2023 Thana- TAJPUR District- Samastipur

Mohan Kumar Son of Narayan Singh R/o Village- Chandauli ward no.05,
P.S.- Tajpur (Waini O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar, Adv.

For the State : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 523 of 2023 instituted for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
total 245.16 liters of illegal foreign liquor near the mango
orchard.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner was not apprehended on spot. The name of the
petitioner has come into light on the basis of disclosure by local
Chaukidar, which has got no evidentiary value in the eyes of
law. No incriminating article has been recovered from his



conscious possession rather the recovery has been made from an open place, which does not belong to the petitioner and accessible to anyone. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 21.02.2024 and has two criminal antecedents. There is no compliance of Section 100 of the 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 as well as 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tajpur P.S. Case No. 523 of 2023.

(Rudra Prakash Mishra, J)

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