

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22973 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Karan Kumar S/O Baijnath Ray R/O Village- Shahbajpur, P.S- Ahiyapur,
Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Advocate

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

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

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner is
permitted to make necessary correction in paragraph 3 of the
application in course of the day.

2. The petitioner seeks bail in Gaighat P.S. case No.
44 of 2024 instituted for the offences under Sections 25(1-b)a,
26, 35 of the Arms and Sections 309a), 36, 41(1) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that 2661.12 liters
liquor was recovered from the truck and pick-up van in
question. One loaded pistol and 8 mm cartridge were also
recovered. The petitioner was apprehended on the 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 nor the driver the vehicles in question. The petitioner is in custody since 18.02.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaighat P.S. case No. 44 of 2024 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)

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