

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31224 of 2024

Arising Out of PS. Case No.-490 Year-2022 Thana- KISHANGANJ District- Kishanganj

Chandan Kumar Son of Upendra Yadav Resident of Village- Chikni Fulkaha
(Ward No.-03), P.S.- Gamhariya, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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

ORAL ORDER

2 24-04-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Excise Case No. 1562 of 2022 arising out of Kishanganj P.S.
Case No. 490 of 2022 instituted for the offences punishable
under Sections 30(a), 41 and 47 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 80.655
litres of liquor was recovered from the vehicle bearing
Registration No. JH09G-4000.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No



incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is only the owner of the vehicle and was not unaware of the fact that his vehicle was being used in the alleged offence. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 30.01.2024 and has one criminal antecedent. 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 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 Special Excise Case No. 1562 of 2022 arising out of Kishanganj P.S. Case No. 490 of 2022.

(Rudra Prakash Mishra, J)

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