

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26966 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Prakash Kumar S/O Chhotkan Sah R/O Vill. - Manhara ward no. - 10 P.S -
Madhepura Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kochadhaman P.S. Case No. 20 of 2024, instituted for the offences punishable under Sections 30(a), 32, 41 and 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 153 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 driver nor owner of the seized vehicle in question, rather he was passerby of that way. The petitioner is in custody since 24.02.2024 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 Kochadhaman P.S. Case No. 20 of 2024.

(Rudra Prakash Mishra, J)

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