

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28590 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

DEO KUMAR SAH S/O RAMANAND SAH R/O VILLAGE-
BAIKUNTHPUR, P.S- BAIKUNTHPUR, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Khurshid Anwar

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

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Baikhunthpur P.S. Case No. 33 of 2024 instituted for the
offences punishable under Sections 30(a) and 41 of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
985 liters of illegal *spirit* from one pick-up vehicle and two
motorcycles.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner was apprehended on spot. Petitioner is neither the
owner nor the driver of any of the seized vehicles in question.



No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of spirit. He further submitted that the other co-accused has already been granted bail by this Bench vide order dated 03.04.2024 passed in Cr. Misc. No. 25321 of 2024. The petitioner is in custody since 04.02.2024 and has no 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 Baikunthpur P.S. Case No. 33 of 2024.

(Rudra Prakash Mishra, J)

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