

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26386 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- Excise P.S. District- Bhagalpur

Durga Mahaldar Son Of Late Sahendra Mahaldar @ Shailendar Mahaldar
Resident Of Champa Nala Babu Tola, P.S. - Nathnagar, District - Begusarai

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 236 of 2024 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
11.190 liters of illegal foreign liquor from two bags.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner was apprehended on spot. Petitioner has no concern
with the alleged recovery of liquor. On the basis of suspicion
and due to his criminal antecedents, petitioner has been
implicated in the present case by the police. The provision of
Section 100 of the Cr.P.C. has not been followed in this case.



The petitioner is in custody since 12.03.2024 and has two criminal antecedents in which he is on bail.

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 Excise P.S. Case No. 236 of 2024.

(Rudra Prakash Mishra, J)

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