

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26289 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- PHULWARIYA District- Gopalganj

Sandeep Kumar @ Sandeep Yadav S/o Chandrama Chaudhary @ Chandrama
Yadav R/o Manbodh Parsauni PS Uchkagaon Distt Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla

For the Opposite Party/s : Mr.Umanath Mishra

**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
Phulwariya P.S. Case No. 401 of 2023 instituted for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 108 litres
country made liquor was recovered from two gunny bags which
were loaded on a motorcycle.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely
on the basis of disclosure of local persons. Neither the petitioner
was apprehended on the spot nor any incriminating article has



been recovered from his conscious possession. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 11.01.2024 and has two criminal antecedents. 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 Phulwariya P.S. Case No. 401 of 2023.

(Rudra Prakash Mishra, J)

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