

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31401 of 2024

Arising Out of PS. Case No.-275 Year-2024 Thana- Excise P.S. District- Kishanganj

Mubarak Alam @ Mubarak S/O Mohitur Rahman R/O Village- Darsana Ward
No. 03, P.S- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Madya Nisedh P.S. Case No. 275 of 2024 giving rise to

Special Case No. 279 of 2024 instituted for the offences

under Section 30(a) and 32(3) of the Bihar Prohibition and

Excise (Amendment) Act.

3. As per prosecution case, the police, during the

course of checking, recovered total 504.720 litres of illicit

liquor of various descriptions from the Bolero Pick-up bearing

Regd. No. BR 11L-9983.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is the driver of the alleged vehicle but, is not the owner of the same. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Madya
Nisedh P.S. Case No. 275 of 2024 giving rise to Special
Case No. 279 of 2024.

(Rudra Prakash Mishra, J)

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