

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34321 of 2024

Arising Out of PS. Case No.-381 Year-2024 Thana- Excise P.S. District- Patna

Md Amir Raza @ Amir Raza Md Nasimudin Ansari @ Md Nasimudin
Resident of Village -Nasirchak, Sarari, Khagaul ward no - 11, P.S.- Danapur,
District - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Patna Excise P.S. Case No. 381 of 2024, instituted for the offences punishable under Sections 30(a), 32(1)(3), 36, 41(1)(2) and 56(b) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 71.460 liters liquor was recovered from godown 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 labour of the godown. The petitioner is in custody since 25.02.2024 and has got one criminal antecedent in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 24816 of 2024 and order dated 03.04.2024 passed in Cr. Misc. No. 25148 of 2024. 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, the period of custody undergone by the petitioner and claim based on parity, 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 Patna Excise P.S. Case No. 381 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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