

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35454 of 2024

Arising Out of PS. Case No.-218 Year-2024 Thana- Excise P.S. District- Gopalganj

Dhiraj Kumar Son of Vipin Dixit @ Bipin Dixit R/o Village- Kukurbhuka,
P.S.- Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devashish Giri, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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

ORAL ORDER

2 09-05-2024 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. 218 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per prosecution case, the police has recovered
total 74.600 liter country made liquor from the Maruti Suzuki
car bearing Regd. No. BR28G-1686.

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.
The petition is not the owner of the alleged car and, thus, has no



concern with the vehicle or 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 08.03.2024 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 Excise P.S. Case No. 218 of 2024.

(Rudra Prakash Mishra, J)

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