

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35498 of 2024**

Arising Out of PS. Case No.-154 Year-2024 Thana- GHORASAHAN District- East
Champaran

=====

Dipak Kumar Gupta Son of Prabhu Sah R/O Vill.- Mathiya, P.S.- Sangrampur,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

=====

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

ORAL ORDER

2 13-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Ghorasahan P.S. Case
No. 154 of 2024, instituted for the offences punishable under
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that, 138.9 liters
liquor was recovered from five motorcycles out of which 69
liters liquor was recovered from the motorcycle of the petitioner.
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 the owner of the seized motorcycle in question and was crossing the road at the time of occurrence. The petitioner is in custody since 24.03.2024 and has got no criminal antecedent. 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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghorasahan P.S. Case No. 154 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

