

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37941 of 2024

Arising Out of PS. Case No.-911 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Bittu Chaudhary @ Mithu @ Chuman Miyan S/O Rafik R/O Village-
Nawadih, P.S- Sahibabad, Distt.- Gajiyabad (U.P)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Motihari
Muffasil P.S. Case No. 911 of 2023 instituted for the offences
punishable under Sections 30(a), 32 and 41(1) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
224.100 liters of liquor from two vehicles.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. No incriminating
article has been recovered from the conscious possession of the
petitioner and he has no concern with the alleged recovery of



liquor in question. Petitioner is neither the owner nor the driver of any of the seized vehicles. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 15714 of 2024. The petitioner is in custody since 28.12.2023 and has no criminal antecedent. 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 as well as 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 Motihari Muffasil P.S. Case No. 911 of 2023.

(Rudra Prakash Mishra, J)

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