

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35738 of 2024

Arising Out of PS. Case No.-272 Year-2024 Thana- Excise P.S. District- Patna

Sunil Nat @ Hathi Son of Surendra Nat @ Jhanjhat Nat Resident of Village- Sandesh, P.S.- Sandesh, Dist.- Ara. At Present, Ajad Nagar, C/o Shri Nat, Raghunathpur, Naharpur @ Naharpar, P.S.- Ranitalab, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, 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 Excise Paliganj P.S. Case No. 272 of 2024, corresponding to Special Excise Case No. 1067 of 2024, instituted for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 105 liters liquor was recovered from paddy husk 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 alleged recovery has been made from an open place which is accessible to everyone. The petitioner is in custody since 22.03.2024 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 Excise Paliganj P.S. Case No. 272 of 2024.

(Rudra Prakash Mishra, J)

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