

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36392 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- Excise P.S. District- Buxar

Kamlesh Kumar Chaudhary @ Kamlesh Chand Mallah Son of Bigun Chandra Chaudhary @ Vishun Chand Mallah Resident of Village - Narbatpur, P.S.- Buxar (Mufassil), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 14-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Buxar Excise P.S. Case No. 150 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 83.600 liters liquor was recovered from white plastic bags on boat near bank of river. 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 seized plastic bags and boat does not belong to the petitioner. The petitioner is in custody since 16.04.2024 and has got one 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 Buxar Excise P.S. Case No. 150 of 2024.

(Rudra Prakash Mishra, J)

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