

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40391 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- SIRDALA District- Nawada

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Gango Paswan son of Lakhdeo Paswan Village- Sakarpura, P.S. - Nemdarganj
Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

4 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sirdala P.S. Case No. 86
of 2024, instituted for the offences punishable under Sections
30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 120 liters
liquor was recovered from Toto vehicle 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. Charge-sheet has been submitted in this 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. Learned counsel for the



petitioner also submitted that the petitioner is neither owner nor driver of the vehicle in question, rather the petitioner was only a passenger and has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 05.03.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail this Court vide order dated 21.06.2024 passed in Cr. Misc. No. 43170 of 2024. 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 Sirdala P.S. Case No. 86 of 2024.

(Rudra Prakash Mishra, J)

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