

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42585 of 2024

Arising Out of PS. Case No.-32 Year-2021 Thana- DAGARUA District- Purnia

Md. Mustakim S/O Md. Muslim At Present Mohalla- A. Dutta Dabgram,
Siliguri, P.S.- Siliguri, Dist- Darjeeling (W.B.) Permanent Resident Of
Village- Kadwa, P.S.- Baisi, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

ORAL ORDER

2 20-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Special Excise Case
No. 87 of 2021, arising out of Dagarua P.S. Case No. 32 of
2021, instituted for the offences punishable under Sections 272,
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 137.700
liters liquor was recovered from bolero vehicle.

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 name of the petitioner has transpired as being owner of the vehicle in question and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 12.04.2024 and has got one criminal antecedent in which the petitioner is on bail. 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 Special Excise Case No. 87 of 2021, arising out of Dagarua P.S. Case No. 32 of 2021.

(Rudra Prakash Mishra, J)

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