

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44098 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- MIRGANJ District- Gopalganj

Rahul Kumar Yadav @ Rahul Yadav son of Mangal Yadav Ro village- Pipra Khas, PS - Kuchaikote, Dist-Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-06-2024 Heard Mr. Sumit Shekhar Pandey, learned counsel
for the petitioner and Mrs. Renu Kumari, learned APP for the
State.

2. The petitioner seeks bail in Mirganj P.S. Case No.
100 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, 162 liters
liquor was recovered from cartoons which were kept hidden into
the bush.

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 easily accessible to public at large. Name of the petitioner has transpired on the basis of disclosure made by the local people. The petitioner is in custody since 04.04.2024 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 Mirganj P.S. Case No. 100 of 2024.

(Rudra Prakash Mishra, J)

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