

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39697 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- BACHHWARA District- Begusarai

Dhiraj Kumar @ Dheeraj Kumar son of Gita Das @ Geeta Das Village- Rani
Chamovan Rani 3, W.No-14, Ps- Bachhwara Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 107 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2022.

3. As per prosecution case, the police, in course of
search and raid duty, reached at the house of the petitioner but,
the petitioner was not there. On search, 63 liter foreign liquor
has been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner as the petitioner was not present at the house at the time of raid. He further submits that the house from where the alleged liquor was recovered is a joint house and other co-partners of the petitioner were also living in that house. The petitioner had no knowledge about the illegal foreign liquor being concealed in his joint house. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent of the same nature of offence and is languishing in judicial custody since 08.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bachhwara P.S.



Case No. 107 of 2024.

(Rudra Prakash Mishra, J)

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