

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39614 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- FULKAHA District- Araria

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Raju Kumar S/O Shyamdev Paswan R/O Village- Fulkaha, Post- Nawabganj,
P.S- Fulkaha, Distt.- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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

ORAL ORDER

3 22-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Fulkaha P.S. case
No. 182 of 2023 instituted for the offences under Section
224 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 27 liters
liquor was recovered from motorcycle and the petitioner
was arrested 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 motorcycle in question does not belong to the petitioner. The petitioner is in custody since 14.03.2024 and has got five criminal antecedents. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fulkaha P.S. case No. 182 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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