

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40173 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Shailendra Ray S/O Shiv Dahin Ray @ Shivdhyan Ray R/O- VILLAGE
ASAYA, P.S- MADHAURA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kuchaikote P.S. Case No. 117 of 2024, instituted for the offences under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 11,000 liters liquor was recovered from truck 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. Petitioner is neither owner nor driver of the truck. 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. The petitioner is in custody since 18.03.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Co-accused has been granted bail by this Court vide order dated 15.05.2024 passed in Cr. Misc. No. 36933 of 2024.

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, clean antecedent of the petitioner 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 Kuchaikote P.S. Case No. 117 of 2024.

(Rudra Prakash Mishra, J)

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