

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43747 of 2024**

Arising Out of PS. Case No.-794 Year-2024 Thana- Excise P.S. District- East Champaran

Radheshyam Kumar Son Of Sheonath Sahani Village- Mehwa, Ps- Sugauli,  
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar, Advocate  
For the Opposite Party/s : Mr.Nand Kumar, APP

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

ORAL ORDER

2      25-06-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Excise (Motihari) P.S.  
case No. 794 of 2024 instituted for the offences under Section  
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 70 liters liquor  
was recovered from the 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 08.05.2024 and has got two 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 Excise (Motihari) P.S. case No. 794 of 2024.

**(Rudra Prakash Mishra, J)**

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