

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41186 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

PAPPU SINGH S/O AWADHESH SINGH @ AWADH SINGH @
AWADHESH KUMAR SINGH R/O VILL - BAHADURA, P.S. -
MAHAMMADPUR, DIST - GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Baikunthpur P.S. Case
No. 31 of 2024, instituted for the offences punishable under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 470 liters
spirit was recovered from Bolero car 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. 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 spirit. It is further submitted that



the petitioner is neither owner nor driver of the seized vehicle in question, rather he was a passerby of that way. The petitioner is in custody since 20.04.2024 and has got one criminal antecedent in which the petitioner is on bail. There is no compliance of Section 100 of Cr.P.C. It is further submitted that co-accused Papu Singh has been enlarged on bail vide order dated 22.04.2024 passed in Cr. Misc. No. 30531 of 2024 by this Court.

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 Baikunthpur P.S. Case No. 31 of 2024.

(Rudra Prakash Mishra, J)

Prakash/-

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