

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44504 of 2024

Arising Out of PS. Case No.-850 Year-2024 Thana- Excise P.S. District- Patna

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Bittu Saw S/o Sri Lalkeshwar Saw R/o Village-Fatehpur, P.S.-Didarganj,
District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Deepti Pandey, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in paragraph 11 of the application in
course of the day.

3. The petitioner seeks bail in Excise Patna P.S. case
No. 850 of 2024 instituted for the offences under Sections 30(a)
and 56(b) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that 63 liters liquor
was recovered from the tempo and the petitioner was arrested
on spot.

5. 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 petitioner is not the owner of the tempo in question and he was driving the said tempo. The petitioner had no knowledge regarding the nature of goods kept in the vehicle. The petitioner is in custody since 14.04.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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.

8. 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 Patna P.S. case No. 850 of 2024.

(Rudra Prakash Mishra, J)

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