

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43359 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- MAIRWAN District- Siwan

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Jayant Kumar S/o Jinkant R/o Village-Mohanpur Dhala, P.S.-Purendrapur,
District-Maharajganj (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Mairwa P.S. case
No. 138 of 2024 instituted for the offences under Sections
30(a), 41(i) and 32(3) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that 2673 liters
liquor was recovered from the truck 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 petitioner is not the owner of the vehicle in question. He has taken lift in the said vehicle and he has no knowledge regarding nature of goods kept in the vehicle. The petitioner is in custody since 13.05.2024 and has got no criminal antecedent. 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 Mairwa P.S. case No. 138 of 2024, 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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