

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48139 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- PHULWARIYA District- Gopalganj

Ramnaresh Chauhan Son Of Ramaji Mahto @ Ramaji Chauhan Village-
Chochahi, P.S.- Mirganj, Distt.- Copalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 142 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
total 72.00 liter illegal country-made liquor from the gunny bag
which was loaded on the seat of Pulsar motorcycle bearing
Regd. No. UP57BL9295.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The



petitioner is not the owner of the alleged motorcycle and has also no concern with the alleged seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.04.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Phulwariya P.S. Case No. 142 of 2024.

(Rudra Prakash Mishra, J)

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