

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48385 of 2024**

Arising Out of PS. Case No.-448 Year-2024 Thana- Excise P.S. District- Aurangabad

Mukesh Kumar Son of Sri Mahendra Paswan R/O Vill.- Bala Bigha, P.S.-
Aurangabad (M), Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Verma, Advocate
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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

ORAL ORDER

- 2 10-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in connection with
Aurangabad Excise P.S. Case No. 448 of 2024 instituted for the
offences punishable under Sections 30(a), 30(c) of the Bihar
Prohibition and Excise Act.
3. The prosecution case, in short, is that total 280 litres
of illegal spirit was recovered from cowshed.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No



incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the open cowshed which is accessible to local people. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 14.05.2024 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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, clean antecedent 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 Aurangabad Excise P.S. Case No. 448 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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