

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48530 of 2024

Arising Out of PS. Case No.-926 Year-2024 Thana- Excise P.S. District- East Champaran

Prashant Kumar Son of Krishnapad Mandal Village- Chhatauni Bangali Colony, Ward No. 10, Ps- Chhatauni, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, 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 Excise P.S. Case No. 926 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 65.520 litres of *Nepali* liquor was recovered from the motorcycle and hut.
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 outside the hut and from the motorcycle. The petitioner has



got no concern either with the motorcycle or with the allegedly recovered liquor. Learned counsel further submitted that as a matter of fact, the alleged liquor was recovered from roadside in abandoned condition but this petitioner has falsely been implicated at the instance of his enemies and the recovery of liquor has been shown from this petitioner. The petitioner is in custody since 04.06.2024 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 Excise P.S. Case No. 926 of 2024.

(Rudra Prakash Mishra, J)

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