

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53444 of 2024

Arising Out of PS. Case No.-965 Year-2023 Thana- KANTI District- Muzaffarpur

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Avinash Kumar @ Kanhai Thakur S/O Sri Jitendra Thakur @ Pappu Thakur
R/O Village-Manikpur,P.S.-Kanti,Distt-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

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

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kanti
P.S. Case No. 965 of 2023 instituted for the offences under
Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar
Prohibition and Excise Act, 2022 (Amended).

3. As per prosecution case, the police has recovered
huge quantity (total 5670.00 liters) of illicit foreign liquor from
five different vehicles. It is alleged that the petitioner is
involved in the alleged illegal trade and sale of illicit foreign
liquor.

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. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Deepak Kumar and except this, there is nothing against the petitioner in the entire record of this case. The petitioner has no concern with the co-accused Deepak Kumar. The petitioner is not the owner of the seized truck or the pick-up van. The petitioner has also no concern with the recovered 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 two criminal antecedents and is languishing in judicial custody since 18.06.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Deepak Kumar has already been granted bail by this Court vide order dated 15.02.2024 passed in Cr. Misc. No. 7907 of 2024.

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 fact that the co-accused Deepak Kumar, who has



disclosed the name of the petitioner in this case, has already been granted bail by this Court, 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 Kanti P.S. Case No. 965 of 2023.

(Rudra Prakash Mishra, J)

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