

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56612 of 2024

Arising Out of PS. Case No.-862 Year-2023 Thana- KAHALGAON District- Bhagalpur

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Awadhesh Kumar Poddar S/O Bhagwat Poddar R/O Vill- Babupur, PS-
Sabour, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Opposite Party/s : Mr. Indu Kumari Srivastav, Advocate

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

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Kahalgaon (Ghogha) P.S. Case No. 862 of 2023 instituted
for the offences under Sections 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 77.620
litres of Indian made Foreign liquor was recovered from the
tempo.



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. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle as mentioned in paragraph no.7 of the present bail application. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has no criminal antecedent. The co-accused person has already been granted regular bail by this Bench vide order dated 04.12.2023 passed in Cr. Misc. No. 77762 of 2023. 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, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six months from today, be released on anticipatory 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 Kahalgaon (Ghogha) P.S. Case No. 862 of 2023, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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