

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55323 of 2024**

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

SURAJ KUMAR @ SURAJ RAI S/O AJAY RAI R/O VILLAGE-
LAWAPUR, P.S- MAHNAR, DIST.- VAISHALI.

THE STATE OF BIHAR
Versus
... .. Petitioner/s

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

- 202-08-2024
1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mahnar
P.S. Case No. 280 of 2023 instituted for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and
Sections 30(a), 32(ii)(iii), 36, 41 (i)(ii) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 4876.965
litres of liquor was recovered from truck.



4. Learned counsel for the petitioner submitted that the petitioner is innocent and 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 the name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused person who was apprehended on the spot. The petitioner has got no concern with the alleged recovery of liquor. The co-accused person has already been granted bail by this Bench vide order dated 26.02.2024 passed in Cr. Misc. No. 12387 of 2024. The petitioner is in custody since 06.07.2024 and has five criminal antecedents. 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, claim based on parity 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 Mahnar P.S. Case
No. 280 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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