

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58027 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- Excise P.S. District- Madhubani

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Guddu Thakur @ Guddu Kumar S/O Buchai Thakur R/O Village- Phulparas Bazar, Near Under Pass Ward No. 06, P.S- Phulparas, Distt.- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jaishankar Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Excise P.S. Jhanjharpur Case No. 116 of 2024 corresponding with G.O. No. 778 of 2024 instituted for the offences under Sections 30(a), 32(1), 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered altogether 360 liters illegal liquor from the white colour Xylo vehicle.

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. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor or the vehicle, in question. 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 no criminal antecedent and is languishing in judicial custody since 24.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. 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 petitioner having no criminal antecedent, 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 Excise P.S. Jhanjharpur Case No. 116 of 2024 corresponding with G.O. No. 778 of 2024.

(Rudra Prakash Mishra, J)

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