

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58453 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- BRAHMPUR District- Buxar

Brijesh Ram @ Birjesh Ram @ Brajesh Kumar S/o Late Bhim Ram R/o vill -
Kathar, P.S. - Krishnabrahm, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

**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 has earlier moved before this Court
with a prayer for anticipatory bail which was dismissed as
withdrawn vide order dated 19.07.2024 passed in Cr. Misc. No.
49520 of 2024.

3. The petitioner seeks bail in connection with
Brahmpur (Krishnabrahm) P.S. Case No. 146 of 2024 instituted
for the offences under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act.

4. As per prosecution case, the police, has recovered
118.2 liters illegal liquor from the sacks.

5. 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 name of the petitioner has transpired on the disclosures made by the apprehended person namely Dharmendra Singh. The petitioner has no concern with the seized 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 no criminal antecedent and is languishing in judicial custody since 08.07.2024 without any rhymes or reason.

6. Learned counsel for the petitioner again submits that the co-accused namely Dharmendra Singh has been granted bail by this Court vide order dated 08.05.2024 passed in Cr. Misc. No. 35308 of 2024.

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

8. 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 Brahmpur (Krishnabrahm) P.S. Case No. 146 of 2024.

(Rudra Prakash Mishra, J)

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