

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62642 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Avinash Kumar @ Bhulla, age 22 years (M), Son of Raj Kumar, R/O village-
Chakala, Ward No. 4, P.S.- Mohiuddin Nagar, Dist- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate

For the Opposite Party : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mohiunddin Nagar P.S. Case No. 126 of 2024 dated 13.06.2024
registered for the offences punishable under Sections 30(a),
41(1) and 41(2) of the Bihar Prohibition and Excise
(Amendment) Act, 2022

3. As per the prosecution case, total 204.86 litres illicit
liquor was recovered from the motorcycle and Scorpio vehicle
in question. It is further submitted that the petitioner was sitting
on the Scorpio vehicle in question.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in the present case only on the basis of suspicion. It is further submitted that neither the petitioner is the owner of the Scorpio vehicle in question nor he has any concern with the alleged illicit liquor. It is submitted that the other co-accused person, namely, Nitish Kumar who was sitting on the motorcycle in question has already been granted bail by a Bench of this Court vide Cr. Misc. No. 50770 of 2024 under order dated 16.07.2024, annexed as Annexure-2 to the present bail application. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 13.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-2, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 126 of 2024.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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