

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63998 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- DHANKUND District- Banka

Sudish Kumar @ Anthony S/o- Ramnaresh Mahto @ Ram Naresh Singh
Village- Harpur Ps- Pusa Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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

ORAL ORDER

- 2 06-09-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in connection with Dhakund P.S. Case No. 26 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 5097.5 litres of liquor was recovered from truck and petitioner was apprehended on the spot.
4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of mobile number over which



the driver of the question in question was talking. 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. Petitioner is in no way connected with the alleged offence. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 16.07.2024 and has six criminal antecedents. There is no compliance of Section 100 of the Cr.P.C. The co-accused person has already been granted bail by this Bench vide order dated 16.05.2024 passed in Cr. Misc. No. 37788 of 2024.

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 Dhakund P.S. Case No. 26 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

