

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65154 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- BYPASS District- Patna

Gorakh Kumar, aged about 22 years, Male, Son of Late Milan Rai, Resident of Village - Pathar Ghat, P.S.- Malsalami, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bye Pass P.S. Case No. 348 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, total 150 liters of country made Mahua liquor has been recovered from a Motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that the country made liquor has been recovered from a motor cycle and



not from the possession of the petitioner. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 05.08.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Exclusive Special Excise Court, Patna City dated 13.08.2024, it appears that petitioner is named in the FIR but there is no any independent witness of the seizure list. The alleged recovery is from the motorcycle and not from his conscious possession, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Exclusive Special Court of Excise, Patna City in connection with Bye-Pass P.S. Case No. 348 of 2024.

(Ramesh Chand Malviya, J)

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