

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66536 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- Excise P.S. District- Supaul

Aakash Kumar @ Aakash Kumar Mandal Son of Mahindar Mandal @ Mahendra Mandal Resident of Village - Thumha, P.S. - Pipra, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Supaul Excise P.S. Case No. 79 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 396 liters liquor was recovered from car.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner is neither owner nor driver of the vehicle in question. The petitioner is not



named in the FIR. Name of the petitioner has transpired on the basis of confessional statement made by co-accused Sanjay Kumar and the same has got no evidentiary value. The petitioner is in custody since 22.07.2024 and has got three criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 38080 of 2024. There is no compliance of Section 100 of Cr.P.C.

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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Supaul Excise P.S. Case No. 79 of 2024.

(Rudra Prakash Mishra, J)

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