

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71499 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- GOPALPUR District- Gopalganj

Manish Kumar, (Male), aged about 27 years, Son of Chandrashekhar Singh @ Chandeshwar Singh, R/O Village- Laxmipur Chailahla, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rishi Sinha, Advocate

For the Opposite Party : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 161 of 2024 dated 20.07.2024 registered for the offences punishable under Sections 317(5) of B.N.S. 2023 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 122.600 litres of illicit country made liquor was recovered from the two sacks loaded on the motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said motorcycle from which the alleged illicit liquor was recovered. His name



has come in the present case on the basis of the confessional statement of the co-accused which has got no evidentiary value in the eye of law. No incriminating article has been recovered from his possession. He has no concern with the alleged offence. The other co-accused Niraj Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 69424 of 2024 under order dated 25.09.2024. There is no compliance of Section 100(4) of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 27.07.2024.

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 Additional Sessions Judge-II-cum-Special Judge, Excise-I, Gopalganj in connection with Gopalpur P.S. Case No. 161 of 2024.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

