

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71219 of 2024

Arising Out of PS. Case No.-787 Year-2024 Thana- Excise P.S. District- Aurangabad

Kavindra Kumar Son of Yogendra Yadav Resident of Village- Narkapi, P.S.-
Salaiya, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Excise P.S. Case No. 787 of 2024 instituted for the offences

under Sections 30(a)/32(3)/141(1)41(2) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, the police has recovered

total 181.440 liters illicit country-made liquor from the

dickey of Hundai car bearing Regd. No. DL3CAL-8276.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the



present case. The petitioner was not caught on the spot and, hence, nothing incriminating has been recovered from his conscious possession. The name of the petitioner has transpired in this case on the basis of the disclosures made by the co-accused Sammi Kumar and Aditya Kumar. The petitioner is not the owner of the alleged vehicle and is also not the driver of the same. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 15.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Excise P.S.
Case No. 787 of 2024.

(Rudra Prakash Mishra, J)

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