

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71593 of 2024

Arising Out of PS. Case No.-622 Year-2024 Thana- Excise P.S. District- Gopalganj

Suresh Kumar S/O Swaminath Yadav @ Swaminath Chaudhary R/O Village-
Jataha, P.S- Phulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, 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. 622 of 2024 instituted for the offences

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

3. As per prosecution case, the police has recovered

total 98.00 liter illicit country made liquor from the gunny

bag which was loaded on the motorcycle bearing Regd. No.

BR02BA3852 of the petitioner.

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The police has made the petitioner accused in this case malafidely only on the basis of his past antecedents. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged motorcycle or the seized liquor. 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 two criminal antecedents and is languishing in judicial custody since 04.08.2024 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, 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. 622 of 2024.

(Rudra Prakash Mishra, J)

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