

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71569 of 2024

Arising Out of PS. Case No.-1299 Year-2024 Thana- Excise P.S. District- East Champaran

Dipak Das Son of Dharmendra Das Resident of Village- Parsauni Kapoor,
Ward No. 9, P.S.- Patahi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Nand 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. Learned counsel for the petitioner is directed to
make necessary correction in the provision portion of the
present bail petition in course of the day.

3. The petitioner seeks bail in connection with Excise
(Motihari) P.S. Case No. 1299 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

4. As per prosecution case, the police has recovered
total 82.200 liters of illicit country made Nepali liquor which
was being carried by the petitioner on motorcycle.

5. 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 due to malicious motive and highhandedness of the police. The petitioner is neither owner of the alleged motorcycle nor is concerned with the aforesaid alleged motorcycle of liquor rather the police implicated the petitioner due to their malicious intention. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. He further submits that the petitioner has never indulged either in transporting or selling of illegal liquor. During course of investigation, the police examined several witnesses but, except the police personnel, no independent witness has supported the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.08.2024 without any rhymes or reason.

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

7. 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 (Motihari) P.S. Case No. 1299 of 2024.

(Rudra Prakash Mishra, J)

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