

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73597 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- Excise P.S. District- Saran

Manu Kumar @ Monu Kumar S/O Maujilal Prasad R/O Village- Sandha
Newaji Tola, P.S- Chapra Muffasil, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sadar
Excise P.S. Case No. 128 of 2024 instituted for the offences
punishable under Sections 30(a), 32(3) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 100 litres
of illicit wine was recovered from tempo.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is neither the owner nor the driver of the vehicle.



Learned counsel further submitted that, in fact, the petitioner is the passenger of the vehicle in question and he had no knowledge that the illicit liquor was loaded in the said vehicle. The petitioner is in custody since 15.06.2024 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. The co-accused person has already been granted bail by this Bench vide order dated 21.08.2024 passed in Cr. Misc. No. 57000 of 2024.

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, claim based on parity 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar Excise P.S. Case No. 128 of 2024.

(Rudra Prakash Mishra, J)

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