

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74882 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Aunsi District- Madhubani

Amit Kumar Son of Late Mohan Paswan R/o Village- Laxmisagar, P.S -Sadar,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashad, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with G.R.

No. 1090 of 2024 arising out of Aaosi P.S. Case No. 45 of

2024 instituted for the offences under Section 30(a) of the

Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered

total 720 litre illicit liquor from two vehicles being Maruti

Suzuki Omni bearing Regd. No. BR1P 2915 and another

being Tata Safari bearing Regd. No. BR07AE6134. The

petitioner was arrested on spot.

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 petitioner is not the owner of the seized vehicles. The petitioner has also no concern with the seized liquor or the co-accused persons. The petitioner is the driver of the alleged Tata Safari vehicle bearing Regd. No. BR07AE6134 and had no knowledge of the contents of the material loaded in the said vehicle. 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 one criminal antecedent in which he is on bail 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 G.R. No. 1090 of 2024 arising out of Aosi P.S. Case No. 45 of 2024.

(Rudra Prakash Mishra, J)

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