

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74973 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- Excise P.S. District- Gaya

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Anil Kumar Sharma Son of Late Sudeshwar Mistry resident of Village -
Haridaspur, P.S. - Amas, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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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 Excise
(Sherghati) P.S. Case No. 146 of 2024 instituted for the
offences under Section 30(a) and 32(c) of the Bihar Prohibition
and Excise Amendment Act, 2018.

3. As per prosecution case, the police has recovered
110 liters illicit country made liquor/wine from the motorcycle.
The petitioner was arrested at the 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
on the basis of suspicion. He further submits that nothing
incriminating has been recovered from the conscious possession
of the petitioner. The petitioner is the owner of the alleged



Motorcycle. The petitioner has no concern with 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 no criminal antecedent and is languishing in judicial custody since 11.09.2024 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 (Sherghati) P.S. Case No. 146 of 2024,

(Rudra Prakash Mishra, J)

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