

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75287 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Basmatia District- Araria

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Mahesh Kumar S/o- Parmeshwar Paswan R/o- Koshkapur, Ward No. 11, P.S.
Birpur, District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Basmatiya P.S. Case No. 35 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 81 litre illicit Nepali liquor from the Motorcycle bearing
Regd. No. BR 38G 6764.

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.
The petitioner is not the owner of the alleged recovered



Motorcycle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has also 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 08.09.2024 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 Basmatiya P.S. Case No. 35 of 2024.

(Rudra Prakash Mishra, J)

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