

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76283 of 2024

Arising Out of PS. Case No.-803 Year-2024 Thana- Excise P.S. District- Patna

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Ankit Kumar, (M), aged about 22 years, S/O Subhash Ravi Das @ Subhash Mochi, Resident of Village- Barh Bazar, Ward No - 13, P.S- Barh, Dist -Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Barh Excise P.S. Case No. 803 of 2024 dated 26.08.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 28.080 litres of foreign illicit liquor was recovered. Out of which, 10.620 litres of foreign illicit liquor was recovered from the *pithu bag* of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The alleged recovered liquor does not belong to the



petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. He has no concern with the alleged offence. There is no compliance of Section 100 of the Cr.P.C. The other co-accused person Akash Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 71257 of 2024 under order dated 01.10.2024, annexed as Annexure-2 to the present bail application. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 27.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Barh in connection with Barh Excise P.S. Case No. 803 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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