

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77601 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- Excise P.S. District- Saran

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Dharmendra Kumar Son of Ramayan Prasad R/o - Samsuddin Pur Rivilganj,
P.S - Rivilganj, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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

ORAL ORDER

2 29-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sadar Excise P.S. case
No. 159 of 2024 instituted for the offences under Sections 30(a)
and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 139.26 liters
liquor was recovered from tempo and the petitioner was
arrested on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered
from the conscious possession of the petitioner. The petitioner
has got no concern with the alleged recovery of liquor. It is



further submitted that tempo in question does not belong to the petitioner, however, in the impugned order, it is wrongly stated that tempo belongs to the petitioner which is an error of record. The petitioner is in custody since 20.08.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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 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. 159 of 2024.

(Rudra Prakash Mishra, J)

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