

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78742 of 2024

Arising Out of PS. Case No.-518 Year-2024 Thana- SAKRA District- Muzaffarpur

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Avinash Kumar S/O Maharudra Mishra Resident of village - Mahmadpur
Shivram, P.S- Sakra, District -Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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

ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sakra
P.S. Case No. 518 of 2024 instituted for the offences under
Sections 274, 275, 61(2), 3(5) Bhartiya Nyaya Sanhita 2023 and
Sections 30(a) 32(1), 32(2), 36, 41(1), 41(2) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total
1651.680 litres of liquor was recovered from the truck and
Scorpio.

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. The petitioner is neither the owner nor the driver of the vehicle in question, rather he was hired for unloading the goods from the vehicle. The petitioner is in custody since 09.10.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S. Other co-accused have been granted bail by this Court *vide* order dated 30.10.2024 passed in Cr. Misc. No. 78360 of 2024 & 78361 of 2024,respectively.

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, clean antecedent of the petitioner 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 Sakra PS Case No. 518 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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