

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79293 of 2024

Arising Out of PS. Case No.-2307 Year-2024 Thana- Excise P.S. District- Patna

Pritam Kumar Son of Raj Kumar @ Raj Kumar Ram Resident of Kharuara,
P.S.- Chero, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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

ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Excise P.S. Case No. 2307 of 2024 instituted for the

offences under Sections 30(a), 56(b), 62 of the Bihar

Prohibition and Excise Act, 2016 & Amendment Act, 2022.

3. As per prosecution case, the police has recovered

total 572.725 litres illicit foreign liquor from the Innova

vehicle bearing Regd. No. BR1AP-6178 as well as from the

house situated in the alleged campus.

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 due to malicious motive and highhandedness of police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was simply unloading the cartons from the vehicle and was not aware of the contents of the material being unloaded. The petitioner is neither owner of the alleged Innova vehicle nor is the owner of the alleged house. 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 01.10.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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 P.S.
Case No. 2307 of 2024.

(Rudra Prakash Mishra, J)

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