

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82425 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- Excise P.S. District- Saran

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Guddu Kumar Singh S/O Chandra Mohan Singh R/o vill - Mohamda, P.S. -
Garkha, distt.- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saran
Town P.S. Case No. 175 of 2024 instituted for the offences
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise Act, 2016 (Amendment Act, 2022).

3. As per prosecution case, the police has recovered 10
litres of illicit country-made liquor from the dickey of the
motorcycle bearing Regd. No. BR 04B-9672.

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
merely on the basis of suspicion. The petitioner was arrested on



the spot along with the motorcycle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and the seized motorcycle also does not belong to the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. 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 27.09.2024 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, stating that there is recovery of illicit country-made liquor and stolen motorcycle from the conscious possession of the petitioner and, hence, he does not deserve bail.

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 Saran Town P.S. Case No. 175 of
2024.

(Rudra Prakash Mishra, J)

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