IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81557 of 2024

Arising Out of PS. Case No.-364 Year-2024 Thana- MUFFASIL District- Aurangabad

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Suraj Kumar Son of Mosafir Thakur R/O Vil.- Suja Karma, P.S.- Muffasil, Dist.- Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in G.R. No. 512 of 2024, arising out of Muffasil P.S. Case No. 364 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 64.920 liters liquor was recovered from *gumti* and the petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious

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possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submits that the said *gumti* does not belong to the petitioner. The petitioner is in custody since 22.09.2024 and has got two criminal antecedents in which he is on bail in both the cases. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.R. No. 512 of 2024, arising out of Muffasil P.S. Case No. 364 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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