

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82567 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- NADI P.S. District- Patna

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Aman Kumar Son of Arjun Kumar @ Arjun Rai Resident of village- Alampur
P.S- Nadi , District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, 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 Nadi
P.S. Case No. 325 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act and Section 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered
total 69 liters of illicit English liquor along with a regular rifle
of .815 bore from the house of the accused persons.

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.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is in no way concerned with the alleged occurrence. He has also no concern with the alleged liquor or the seized rifle. He further submits that the mobile seized from the pocket of co-accused Chandan Kumar and the petitioner are their own mobile and the alleged rifle belongs to the co-accused Satya Prakash @ Satya. Learned counsel for the petitioner further submits that the petitioner was neither present in the eastern room nor in the western room where it is alleged that the illegal wine and regular rifle was seized. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent of the Excise Act in which he is on bail and is languishing in judicial custody since 06.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Bipin Kumar has already been granted bail by this Court vide order dated 22.11.2024 passed in Cr. Misc. No. 81252 of 2024.

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,
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 Nadi P.S. Case No.
325 of 2024.

(Rudra Prakash Mishra, J)

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