

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4715 of 2024

Arising Out of PS. Case No.-582 Year-2023 Thana- GAURICHAK District- Patna

Bhikubhai @ Bhikhubhai S/O Saryug Prasad R/O Punpun Bajar, P.S.- Punpun
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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

ORAL ORDER

5 06-05-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Gaurichak P.S. Case No. 582 of 2023 instituted for the

offences under Sections 30(a), 37 of the Bihar Prohibition

and Excise Act, 21(a) of the N.D.P.S. Act and Section 147,

149, 323, 332, 333, 353, 504, 506/34 of the Indian Penal

Code.

3. As per prosecution case, the police has recovered

1125 ml English liquor and some other liquor and material

from the possession of the petitioner while he was engaged

in a party with his friends. It is further alleged that brown



sugar (Smack) of 3.90 gram has also been recovered and seized from the co-accused Nikhil Kumar.

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 has no concern with the seized liquor or the contraband. 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 12.10.2023 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.

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 Gaurichak
P.S. Case No. 582 of 2023.

(Rudra Prakash Mishra, J)

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