

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84544 of 2024

Arising Out of PS. Case No.-665 Year-2024 Thana- Excise P.S. District- Bhagalpur

Situ Kumar @ Situ Kumar Mahto @ Sintu Kumar Son of Ram Pukar Mahto
Resident of Village-Bahadoorpur Amrauli, Ward No 13, Ps Ghataho, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

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

2. The petitioner seeks bail in connection with Excise
Sadar P.S. Case No. 665 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. As per prosecution case, the police has recovered
total 540 liters illicit Indian made foreign liquor from the Bolero
pick up vehicle bearing Regd. No. BR11GC6787.

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.
The petitioner is the driver of the alleged vehicle and he was
oblivious of the fact that the illicit liquor was being loaded on



the vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. 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 29.08.2024 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.

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 Excise Sadar P.S. Case No. 665 of 2024.

(Rudra Prakash Mishra, J)

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