

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86777 of 2024

Arising Out of PS. Case No.-923 Year-2024 Thana- Excise P.S. District- Aurangabad

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Srikant Kumar @ Shrikant Kumar S/o Parmanand Prasad Resident of Village-
Baliyari, P.S.- Amas, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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**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
Aurangabad P.S. Case No. 923 of 2024 instituted for the
offences punishable under Sections 30(a), 32(3), 41(1), 41(2) of
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 140 litres
of liquor has been recovered from Alto Car.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is not the owner of the vehicle. It is further



submitted that petitioner is only the driver of the vehicle in question and was unaware that the illicit liquor has been loaded in the vehicle. The petitioner is in custody since 16.09.2024 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. The co-accused person has already been granted bail by this Court vide order dated 29.10.2024 passed in Cr. Misc. No. 78028 of 2024.

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, claim based on parity 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad P.S. Case No. 923 of 2024.

(Rudra Prakash Mishra, J)

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