

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85789 of 2023

Arising Out of PS. Case No.-872 Year-2023 Thana- Excise P.S. District- West Champaran

Anuj Kumar @ Saalu Rao @ Saloo Rao Son of Upendra Rao R/o vill - ward
no. 5, Laukariya, P.S. - Bairiya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

3 05-03-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 872 of 2023 instituted for the offences punishable
under Sections 30(a) and 47 of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that total 313.92
litres of liquor was recovered from motorcycle .

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. The petitioner has got no concern
with the alleged recovery of liquor. The petitioner was not



arrested on the spot. The name of the petitioner has transpired on the basis of disclosure made by co-accused Bira Ram. The co-accused person, Bira Ram, who was apprehended on the spot, has already been granted bail by a Coordinate Bench of this Court vide order dated 03.11.2023 passed in Cr. Misc. No. 70087 of 2023. The petitioner is in custody since 10.11.2023 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 872 of 2023.

(Rudra Prakash Mishra, J)

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