

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87122 of 2024

Arising Out of PS. Case No.-753 Year-2024 Thana- Excise P.S. District- Nawada

Dularchand Kumar Son of Ramchandra Yadav village- Halmata, Ward no. 14,
Ps- Fatehpur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nawada Excise P.S. Case No. 753 of 2024, instituted for the
offences punishable under Sections 30(a), 47 and 45 of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 140 liters
liquor was recovered from an Alto car and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submits that the petitioner is neither owner nor driver of the said vehicle in question, rather the petitioner was a passerby of that way and on the basis of suspicion he was arrested by the police. The petitioner is in custody since 30.10.2024 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada Excise P.S. Case No. 753 of 2024.

(Rudra Prakash Mishra, J)

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