

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6626 of 2024

Arising Out of PS. Case No.-228 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Sandeep S/o- Surajbhan Resident of Village- Jhojhu Kalan-71, Police Station-
Jhojhu Kalan, District- Dadri (Hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the State : Mr. Awadhesh Kumar Singh, APP

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

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Durgawati P.S. Case No. 228 of 2022 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2022.

3. As per prosecution case, there is recovery of total
2175 liters of illicit Indian made foreign liquor from truck.

4. It has been submitted on behalf of the petitioner
that the petitioner is remanded in this case on 13-12-2023.
Petitioner bears one criminal antecedents, as per disclosure
made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Name of the petitioner has been dragged in this case by one Ashu @ Ashu Khan, who is driver of the vehicle and he has been allowed bail by Co-ordinate Bench of this Court *vide* order dated 22-11-2022, passed in Cr. Misc. No. 50062 of 2022. Petitioner has no concern with the alleged recovered liquor. Charge sheet has already been submitted in this case. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and manner of implication, this Court is inclined to grant bail to the petitioner.

8. 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 Durgawati P.S. Case No. 228 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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