

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6101 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- MIRGANJ District- Gopalganj

Subham Singh @ Shubham Singh Son of Ramesh Singh Resident of village -
Ramgadh, P.O.- Khalwa, P.S.- Nautan, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Shahi, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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

ORAL ORDER

2 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mirganj
P.S. case No. 279 of 2023 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case, in short, is that total 120.445 litres
of illicit liquor was recovered from the Scorpio.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 04.11.2023 and has eight
criminal antecedents out of which he is on bail in seven cases.
The petitioner has falsely been implicated in the present case
merely on suspicion. Learned counsel further submitted that
petitioner was not apprehended on the spot and nothing has been
recovered from the conscious possession of the petitioner rather



the recovery has been made from the vehicle. Petitioner has no concern with the alleged recovery. Petitioner is neither the driver nor the owner of the vehicle in question. There is no compliance of Section 100 of the Cr.P.C. Learned counsel further submitted that similarly situated co-accused person has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 12.01.2024 passed in Cr. Misc. No. 81722 of 2023.

5. Learned A.P.P. 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 as also 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 Mirganj P.S. case No. 279 of 2023.

(Rudra Prakash Mishra, J)

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