

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.788 of 2025

Arising Out of PS. Case No.-1147 Year-2024 Thana- Excise P.S. District- Purnia

Kundan Kumar @ Kundan Kumar Mandal S/o Late Sapan Mandal @ Sapan Kumar mandal R/o vill - Anand Puri, ward no. 23, Thana - Sahayak Khazanchi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Excise P.S. case No. 1147 of 2024 instituted for the offences under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 1192.08 liters liquor was recovered from Bolero pick-up van.

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. It is further submitted that petitioner is neither the driver nor the



owner of the vehicle in question rather he was a labourer who was unloading the goods from the vehicle and he was unaware regarding the nature of the goods. The petitioner is in custody since 02.12.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 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 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. 1147 of 2024.

(Rudra Prakash Mishra, J)

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