

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90286 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- PATAHI District- East Champaran

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Suman Kumar S/o- Vinod Tiwari @ Vinodh Tiwari Vill- Ijorbara PS-
Phenhara District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Patahi
P.S. Case No. 293 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per prosecution case, the police has recovered
total 162 liters of illicit Nepali liquor from the motorcycle
having no registration number.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to highhandedness of the police/informant. He further
submits that nothing incriminating has been recovered from the
conscious possession of the petitioner. The petitioner is not the



owner of the alleged motorcycle. The petitioner has also no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Patahi P.S. Case No. 293 of 2024.

(Rudra Prakash Mishra, J)

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