

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59235 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- RAHIKA District- Madhubani

1. Md. Sakir S/O Md. Ashia Resident Of Village- Bheluchak, P.S- Sadar, Distt.- Darbhanga.
2. Md. Javed Akhtar @ Md. Javed S/O Md. Mustak R/O Mohalla- Bhathiyarisarai, P.S- Town (KOTBALI O.P.), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59600 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- RAHIKA District- Madhubani

Bikram Mahto S/O- Late Shivji Mahto Mohalla- Belwaganj Light House Ps- Laheriyasarai Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59235 of 2023)

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Prem Kumar Jha

(In CRIMINAL MISCELLANEOUS No. 59600 of 2023)

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-09-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners prayed for regular bail in connection

with Rahika P.S. Case No. 133 of 2023 instituted for the

offence under Sections 272, 273, 414, 34 of the Indian Penal



Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioners along with two motorcycles were apprehended on the spot and from the alleged vehicles total 87.600 liters Nepali liquor kept in sacks were recovered.

Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to high handedness of the police officials. The petitioners have no concern with the alleged recovery rather vehicles in question belong to their relatives. No any incriminating article has been recovered from their conscious possession. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioners are languishing in judicial custody since 28.06.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioners are directed to deposit a sum of **Rs 5,000/- (Five Thousand) each** in the District Legal Services Authority of concerned District.



Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Rahika P.S. Case No. 133 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. **5,000/- (Rs. Five thousand) each** by the petitioners in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

Manishkumar/-

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