

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6583 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- Excise P.S. District- East Champaran

1. Lalan Prasad Yadav S/O- Late Jagarnath Prasad Yadav @ Late Jagranath Prasad Yadav R/O- Village- Siswa Basant Ward No.- 2, P.S.- Kalyanpur, Dist.- East Champaran.
2. Chhotu Kumar S/O- Ramjinis Prasad R/O- Village- Swangiya Ward No.- 01, P.S.- Madhuban, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in connection with Excise (Madhuban) P.S. Case No. 256 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is recovery of total 307.080 liters of illicit foreign liquor from one hut.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 04-11-2023. Petitioners are stated to be man of clean antecedent.

5. It has been further submitted by the petitioners'



counsel that petitioners have been falsely implicated in the present case. Petitioners were sleeping on ‘*machan*’ and they are not the owner of the hut. Petitioners have no concern with the alleged recovered liquor. In fact, seizure list is not prepared in accordance with law. 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 petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and manner of implication, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners 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 (Madhuban) P.S. Case No. 256 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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