

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7652 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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1. Bholi Mahto S/O Sukhdeo Mahto R/O Village- Sangrampur, P.S- Sangrampur, Distt.- East Champaran.
 2. Rambha Devi W/O Bholi Mahto R/O Village- Sangrampur, P.S- Sangrampur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar ...

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sangrampur P.S. Case No. 388 of 2023 instituted for the offences under Sections 30(a), 32, 41(1) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that total 5 litres raw country-made wine was recovered which was kept behind the hut of these petitioners.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The recovery has been made from



an open place and petitioners have got no concern with the alleged recovery. Learned counsel further submitted that petitioners are in custody since 27.11.2023. Learned counsel next submitted that petitioner no.1, Bholi Mahto has three criminal antecedents but he is on bail in all the three cases whereas petitioner no.2, Rambha Devi has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sangrampur P.S. Case No. 388 of 2023.

(Rudra Prakash Mishra, J)

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