

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11751 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- BENIPATTI District- Madhubani

Varun Roy @ Barun Roy S/O Late Murli Roy @ Murli Ram Village- Durga
Asthan Uchaith, Ps. Benipatti, Dist. Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Benipatti P.S. Case No. 239 of 2023 instituted for the offences
punishable under Sections 272, 273, 34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 945 litres
of illicit liquor was recovered from pickup van.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner was not apprehended on the spot nor any
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is neither the owner nor the driver of the vehicle. Charge-sheet has been submitted in this case. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 23.11.2023 and has three criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP 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 Benipatti P.S. Case No. 239 of 2023.

(Rudra Prakash Mishra, J)

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