

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8299 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Laloo Giri, aged about 26 years (male), Son of Pundeo Giri @ Ramdev Giri
Resident of Village-Madhubani Ghat, Police Station-Muffasil, District-East
Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad, Advocate.

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Motihari Muffasil P.S. Case No. 295 of 2023 instituted for

the offence under Sections 30(a)(b), 32 and 41 of the Bihar

Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 45 litres of

country made illicit liquor and 2000 litres of *mahua meetha*

were recovered from the orchard near the bank of river.

4. It has been submitted on behalf of the

petitioner's counsel that the petitioner is in custody since

14.10.2023. Petitioner bears five criminal antecedents, as



per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is further submitted that the local *chaukidar* disclosed the name of the petitioner. The recovery is made from the bank of river which is an open place and accessible to any one. There is no compliance of Section 100 of Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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

8. 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 Motihari Muffasil P.S. Case No. 295 of 2023 subject to the following conditions:



(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Nilmani/-

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