

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11148 of 2024

Arising Out of PS. Case No.-233 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Arun Ram S/O Achchhelal Ram Village- Harajpur, PS.- Muffasil, Motihari,
Distt. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

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

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

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Muffasil Motihari P.S. Case No. 233 of 2021 instituted for the
offences under Section 30(a)(c), 32 and 41(1) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered 15
liters of country-made liquor and other equipment/pipes used for
making liquor from the plastic sack thrown by the petitioner. It
is alleged that on seeing the police vehicle, the petitioner fled
away from the spot after throwing the plastic sack.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not arrested at the spot and has no concern with the seized liquor or the equipment. The petitioner has been implicated in the present case mere on suspicion at the instance of local *Chowkidar*. The petitioner has five criminal antecedents and in all of them, he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 27.12.2023. Charge-sheet has been submitted in this case.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Muffasil Motihari P.S. Case No. 233 of 2021, subject to 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)

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