

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12431 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- MADHWAPUR District- Madhubani

Santosh Bhandari Son of Late Ram Bhandari R/o Village Dhadhiya, Ward No. 08, P.S. Kamtaul, District Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Madhwapur P.S. Case No. 129 of 2023 (G.R. No. 1741 of 2023), instituted for the offences punishable under Sections 272, 273 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 225 liters liquor was recovered from tempo and the petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern



with the alleged recovery of liquor. It is further submitted that the petitioner was the passenger of the seized tempo. The petitioner is in custody since 02.12.2023 and has got no criminal antecedent. There is no compliance of Section 100 of 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhwapur P.S. Case No. 129 of 2023 (G.R. No. 1741 of 2023).

(Rudra Prakash Mishra, J)

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