

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12127 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- MASHRAK District- Saran

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1. Shila Nath Prasad son of Late Kedar Prasad Village- Station road, Mashrakh P.S.- Mashrakh Dist- Saran at Chapra
 2. Anil Kumar son of Bhikhari Mahto Village- Mashrakh Purabtola P.S.- Mashrakh Dist- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate
For the Opposite Party/s : Mr. Asha Devi, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in Mashrak P.S. Case No. 28 of 2024, instituted for the offences punishable under Sections 272, 273 of the Indian Penal Code, Sections 30(a), 34 and 33 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 240 liters spirit and five vials of Traxol 1000 injection was recovered from second floor of a sweet shop. The petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. No incriminating material have been recovered from the conscious



possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Petitioner no. 1 was having cut wound on his left leg due to which he was prescribed to take Traxol injections. Both the petitioners were apprehended from the second floor of a sweet shop which does not belong to the petitioners. The petitioners are in custody since 19.01.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly 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 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 petitioner.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mashrak P.S. Case No. 28 of 2024.

(Rudra Prakash Mishra, J)

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