

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11630 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- CHHATAUNI District- East Champaran

Binod Sah S/O Late Mathura Sah R/O Village- Mathiya Dih Ward No.6, P.S.-
Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Adv.

For the Opposite Party/s : Ms.Shaheen Begum, APP

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

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Chhatauni P.S. Case No. 636 of 2023 instituted for the

offences under Section 414 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered

altogether 300 liter illicit Nepali country made liquor from

the bamboo bush and motorcycle bearing Registration No.

BR22V-2996.

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 has no concern with the seized liquor. The petitioner is not the owner of the alleged motorcycle. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application, but, in all, 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 26.12.2023.

5. Learned counsel for the petitioner again submits that the co-accused Mukesh Sah has has been granted bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 9266 of 2024.

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

7. 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 Chhatauni P.S. Case No. 636 of 2023.

(Rudra Prakash Mishra, J)

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