

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18565 of 2024

Arising Out of PS. Case No.-1635 Year-2023 Thana- Excise P.S. District- East Champaran

1. Lal Babu Sah son of Late Jyoti Sah Village- Mathiya W.No-6, Ps- Chhatauni Dist- East Champaran Motihari
2. Vicky Kumar @ Santlal Sah son of Lal Babu Sah Village- Mathiya W.No-6, Ps- Chhatauni Dist- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Excise (Motihari) P.S. Case No. 1635 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 216 liters liquor was recovered from a land and car parked near the land.

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. It is further submitted that the petitioners are not the owner of the vehicle.



Petitioner No. 1 is in custody since 05.10.2023 and Petitioner No. 2 is in custody since 04.10.2023 and have got four criminal antecedents in which both the petitioners are on bail. 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 petitioners.

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 Excise (Motihari) P.S. Case No. 1635 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)

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