

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15612 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- HATHUA District- Gopalganj

Harun Miya, aged about 36 years, Male son of Hasnain Miya, Resident of
Village- Bari Ishar P.S.- Hathua District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hathua
PS Case No. 259 of 2023 instituted for the offences punishable
under Section 414 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 84.200 liters
country made liquor has been recovered from a gunny bag
which was loaded on a motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to ulterior motive.
Neither the petitioner has been apprehended on the spot nor
anything has been recovered from the conscious possession of



the petitioner. Petitioner is in custody since 06.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list, case diary and the impugned order of the learned Additional Sessions Judge-II-cum-Special Judge, Excise-1, Gopalganj dated 16.12.2023, it appears that petitioner is named in the FIR, neither anything has been recovered from the conscious possession of the petitioner nor motorcycle belongs to him. Similarly situated co-accused person namely, Chandan Yadav @ Chandan Kumar Yadav has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.8490 of 2024 vide order dated 26.02.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Additional Sessions Judge-2nd-cum-Special Judge Excise Court No. 1, Gopalganj in connection with Hathua PS Case No. 259 of 2023.

(Ramesh Chand Malviya, J)

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