

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16041 of 2024**

Arising Out of PS. Case No.-248 Year-2023 Thana- MADANPUR District- Aurangabad

Bulli Chouhan @ Sudina Noniyan @ Sudina Noniya Son of Ram Narayan
Noniya Resident of Village- Jamua, Ps- Madanpur, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.

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

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

ORAL ORDER

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

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed vide order dated 06.09.2023 passed in Cr. Misc. No. 53176 of 2023.

3. The petitioner seeks bail in connection with Madanpur P.S. Case No. 248 of 2023 instituted for the offences under Sections 30(a), 34, 36 of the Bihar Prohibition and Excise Act.

4. As per prosecution case, the police has recovered total 525 liter spirit from the Scorpio vehicle bearing Regd. No. MH06AN-8600.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized spirit or the alleged Scorpio vehicle or even with the co-accused person. The petitioner is neither owner nor driver of the seized Scorpio. The petitioner was not arrested at the spot and has also not been seen fleeing away by any person. The petitioner has altogether 12 criminal antecedents as has been stated in paragraph no.3 of the present bail application. 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 28.12.2023. Charge-sheet has been submitted in this case.

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 Madanpur P.S. Case
No. 248 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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