

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18345 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- SIKARHATTA District- Bhojpur

1. Sobhnath Ram Son of Shivdayal Ram Village - Dev, P.S.- Sikarhatta, Dist- Bhojpur
2. Madan Singh Son of Late Chandradev Singh Village - Dev, P.S.- Sikarhatta, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Sikarhatta P.S. Case No. 155 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, 70 liters liquor was recovered from sack of the petitioners on the dam and both 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. It is further submitted that the recovery has been made from the dam which is an open place. The petitioners are in custody since 31.12.2023. Petitioner No. 1 has got two criminal antecedents in which the petitioner is on bail and Petitioner No. 2 has got no criminal antecedent. 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 Sikarhatta P.S. Case No. 155 of 2023.

(Rudra Prakash Mishra, J)

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