

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17357 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- LAUKAHI District- Madhubani

Md. Anbar S/O Ishak Miya R/O Village- Kariyout (Bantole), P.S- Laukahi,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Laukahi
P.S. Case No. 301 of 2023 (G.R. No. 840 of 2023) instituted for
the offences under Sections 272, 273, 414/34 of the Indian Penal
Code and Section 30(a) of the Bihar Excise and Prohibition
(Amendment) Act, 2016.

3. As per prosecution case, the police has recovered
altogether 432 liter illegal country made liquor from four
motorcycles.

4. 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.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is a daily labourer and has no concern with the seized liquor or the alleged motorcycles. The petitioner has two criminal antecedents of the similar nature of offence 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 21.11.2023.

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

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also 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 Laukahi P.S. Case No. 301 of 2023 (G.R. No. 840 of 2023), subject to conditions that;

(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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