

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23808 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- KATRA District- Muzaffarpur

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1. Om Prakash Sahni S/o Bhagwan Sahni R/o Village and Post- Tehwara, P.S.- Katra, District- Muzaffarpur
 2. Sumit Kumar Sah @ Sumit Kumar @ Sunil Kumar S/o Ajay Sah R/o Village and Post- Tehwara, P.S.- Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Nandan Thakur, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Katra P.S. Case No. 12 of 2024, instituted for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2.895 liters liquor was recovered from motorcycle and the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and 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. The petitioners are in custody since 21.01.2024. Petitioner No. 1 has got two criminal antecedents and Petitioner No. 2 has got four criminal antecedents in which both the petitioners are on bail in all cases. 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 Katra P.S. Case No. 12 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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