

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28009 of 2024**

Arising Out of PS. Case No.-97 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Raushan Kumar son of Sahind Ram @ Sahindar Ram Village- Jasoli Ojha
Tola @ Jasauli Ojha Tola Ps- Kathaiya Dist- Muzaffarpur

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s
=====

Appearance :
For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Shyameshwar Dayal

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

ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 97 of 2024 instituted for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 3615.00
liters of illegal foreign liquor was recovered from different
vehicles.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor the driver of the seized vehicles. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 28.02.2024 and he has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Sahebganj P.S. Case No. 97 of 2024, Subject to 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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