

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27873 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- DHAKA District- East Champaran

Bamshankar Baitha S/o Jitendra Kumar @ Jitendra Kumar Ranjan R/o vill -
Nonpharwa, P.S. - Patahi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Dhaka (Pachpakari) P.S.
Case No. 71 of 2024, instituted for the offences punishable
under Section 414 of the Indian Penal Code, Sections 30(a) and
41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 180 liters
liquor was recovered from three motorcycles and the petitioner
was apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is further submitted that the petitioner is not the owner of the seized motorcycle in question, rather he was a passerby of that way. The petitioner is in custody since 19.02.2024 and has got two criminal antecedents in which the petitioner is on bail. 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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhaka (Pachpakari) P.S. Case No. 71 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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