

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33695 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- LAUKAHI District- Madhubani

Prabhakar Kumar Saday @ Prahalad son of Raushan Saday Vill- Parsahi, Ps-
Khutauna Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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

ORAL ORDER

2 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Laukahi P.S. Case No.
320 of 2023, 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, 241.800
liters liquor was recovered from bag which was being carried by
the petitioner. 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. Charge-sheet has been submitted in this 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 seized bag does not belong to the petitioner. The petitioner is in custody since 07.12.2023 and 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 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 Laukahi P.S. Case No. 320 of 2023.

(Rudra Prakash Mishra, J)

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