

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29498 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- LAUKAHA District- Madhubani

1. Saini Mallik @ Saini Dhankar S/O Mohan Mallik @ Mohan Dhankar R/O Village- Sarra Madna, Ward No. 8, P.S- Andharathadhi, Distt.- Madhubani.
2. Sanjay Mallik @ Sanjay Dhankar S/O Sita Ram Mallik @ Sita Ram Dhankar R/O Village- Sarra Madna, Ward No. 8, P.S- Andharathadhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Laukaha P.S. Case No. 74 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, 126 liters liquor was recovered from two motorcycles out of which 75 liters liquor was recovered from the motorcycle of the petitioners. Both 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. It is further submitted that petitioner no. 1 is the owner and petitioner no. 2 is the pillion rider of the seized motorcycle in question. The petitioners are in custody since 23.03.2024 and have 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 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 Laukaha P.S. Case No. 74 of 2024.

(Rudra Prakash Mishra, J)

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