

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28521 of 2024

Arising Out of PS. Case No.-777 Year-2021 Thana- SONEPUR District- Saran

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Musaheb Rai @ Mosaheb Rai @ Musahib Rai Son Of Butan Rai Resident Of
Village- Sarai Saho, Ps- Dariyapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sonepur P.S. Case No.
777 of 2021, instituted for the offences punishable under
Sections 272, 273, 420, 467, 468, 471, 120(b) 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, 4412.880
liters liquor was recovered from truck.

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 neither driver nor owner of the seized vehicle in question and name of the petitioner has transpired from the confessional statement of the co-accused person who is the driver of the truck. The petitioner is in custody since 25.03.2024 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 Sonapur P.S. Case No. 777 of 2021, subject to the 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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