

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36036 of 2024**

Arising Out of PS. Case No.-190 Year-2023 Thana- RAJAON District- Banka

Rajesh Sah @ Rajesh Prasad Sah Son of Late Shiv Prasad Sah Village Kodali  
Mohanpur, PS Rajoun, District Banka, Pin-813105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Madhav Krishna, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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

ORAL ORDER

2      10-05-2024      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Rajoun P.S. Case No.  
190 of 2023, instituted for the offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 10 liters  
liquor was recovered from the house of the petitioner.

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 named in the F.I.R. Name of  
the petitioner has transpired on the basis of disclosure made by  
local people. The alleged recovery has been made from the joint



house of the petitioner where other family members also reside. The petitioner is in custody since 10.11.2023 and has got six criminal antecedents. 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 Rajoun P.S. Case No. 190 of 2023, 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)**

Rajorshi/-

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