

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30688 of 2024

Arising Out of PS. Case No.-429 Year-2024 Thana- Excise P.S. District- East Champaran

1. Prabhu Mahto Son of Sri Kishun Mahto Resident of village - Sekhadon, P.S.- Gobarahiyan, District - West Champaran.
2. Basudeo Mahto Son of Late Jhakkar Mahto Resident of village - Sekhadon, P.S.- Gobarahiyan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Excise Motihari P.S.
Case No. 429 of 2024, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 120 liters
liquor was recovered from under the ground and 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 the alleged recovery has been made from an open place which is easily accessible to everyone. The petitioners are in custody since 13.03.2024 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 Excise Motihari P.S. Case No. 429 of 2024.

(Rudra Prakash Mishra, J)

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