

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30728 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- DHAKA District- East Champaran

Chhotan Sah Son of Ganesh Sah Resident of Village - Pachpakari, P.S.-
Dhaka (Pachpakari O.P.), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Adv.
For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

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

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Dhaka
(Pachpakari) P.S. Case No. 71 of 2024 instituted for the
offences under Section 414 of the Indian Penal Code and
Section 30(a), 41(1) of the Bihar Prohibition and Excise
Amendment Act.

3. As per prosecution case, the police has recovered
180 liters illegal liquor from three motorcycles and the
petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor or the alleged seized motorcycles. He further submits that during investigation, no substantive evidence has come against the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 19.02.2024.

5. Learned counsel for the petitioner again submits that the co-accused Sanoj Kumar and Bamshankar Baitha have been granted bail by this Court vide orders both dated 09.04.2024 passed in Cr. Misc. Nos. 27863 of 2024 and 27873 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhaka (Pachpakari) P.S. Case No. 71 of 2024.

(Rudra Prakash Mishra, J)

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