

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31383 of 2024

Arising Out of PS. Case No.-413 Year-2024 Thana- Excise P.S. District- East Champaran

1. Mukesh Sah Son of Asharfi Sah Resident of Village- Sihorawa, Tola Khekhariya, P.S.- Darpa, Dist.- East Champaran
2. Shashibhushann Thakur Son of Ravindra Thakur @ Ravindra Sharma Resident of Village- Bisunpurwa, Vishunpurwa, Ward No. 9, P.S.- Darpa, District- East Champaran
3. suman Kumar Son of Harichandra Prasad Yadav Resident of Village- Bisunpurwa, Ward No. 9, P.S.- Darpa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

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

ORAL ORDER

- 2 24-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in connection with Excise (Motihari) P.S. Case No. 413 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 total 336 litres of liquor was recovered from Bolero and motorcycle.
4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioners. Learned counsel further submitted that petitioners are neither the owner nor the driver of the vehicle. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 11.03.2024. Petitioner no.1 has one criminal antecedent whereas petitioner nos. 2 and 3 have no criminal antecedent. There is no compliance of Section 100 of the 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/- (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. 413 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners 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 petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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