

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32476 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Bittu Sahani @ Bittu Sahani Son of Ramjee Sahani Resident of Village
-Katahan (Kataha) Loknathpur, P.S. -Muffasil, Distt -East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Muffasil (Lakhaura)
P.S. Case No. 94 of 2024, instituted for the offences punishable
under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 90 liters
liquor was recovered from the bank of a river.

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 alleged place of recovery does not belong to the petitioner. The petitioner is not named in the F.I.R. rather name of the petitioner has transpired on the basis of disclosure made by local chowkidar and villagers. The petitioner is in custody since 11.03.2024 and has got one 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 Muffasil (Lakhaura) P.S. Case No. 94 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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