

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31833 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- BALTHAR District- West Champaran

1. Basant Kumar Son Of Vijay Kushwaha Resident Of Village - Baithaniya, Ward No. 9, P.S. - Majhauriya, District - West Champaran
2. Sonalal Kumar Sah @ Sonelal Kumar Sah Son Of Late Daroga Sah Resident Of Ward No. 1, Majhauriya, P.S. - Majhauriya, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Balthar P.S. Case No. 18 of 2024, instituted for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 132.9 liters liquor was recovered from motorcycle 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 petitioners are not the owner of the seized motorcycle in question. The petitioners are in custody since 08.03.2024. Petitioner No. 1 has got no criminal antecedent and Petitioner No. 2 has got two criminal antecedents in which the petitioner is on bail. 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 Balthar P.S. Case No. 18 of 2024.

(Rudra Prakash Mishra, J)

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