

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32665 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- HARSIDHI District- East Champaran

Bhola Sahani Son Of Ramchandra Sahani Village- Khubra Pakariya, P.S.-
Harsidhi, Dist- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Harsidhi PS Case No. 438 of 2023 instituted for the offences
under Sections 272, 273 of the Indian Penal Code and Sections
30(a)(b)(c), 32, 34, 36, 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that 30 liters
liquor was recovered from plastic gallon.

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 submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 27-02-2024 and has got one criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Charge sheet has already been submitted in this case.

5. Learned A.P.P. 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, clean antecedent of the petitioner 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harsidhi PS Case No. 438 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

