

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33374 of 2024

Arising Out of PS. Case No.-252 Year-2024 Thana- SONEPUR District- Saran

1. Dharmendra Mahto Son of Rameshwar Mahto R/O Village/Mohalla- Nayka Tola, P.S.- Sonepur, Dist.- Saran
2. Prahalad Mahto @ Prahlad Mahto Son of Bahir Mahto R/O Vill.- Khariyadih, P.S.- Sonepur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sonepur P.S. Case No. 252 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered 250 litres of country-made liquor from near Bhabharida Nahar at village Shikarpur Chawar.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case at the instance of local Mukhiya due to election dispute. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The



petitioners have no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 25.03.2024 without any rhymes or reason.

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

6. 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 petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, 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 Sonapur P.S. Case No. 252 of 2024.

(Rudra Prakash Mishra, J)

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