

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35934 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- AMNAUR District- Saran

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1. Mani Bhushan Rai Son Of Nageshwar Rai @ Bhutai Rai Village- Madhubani, Ps- Amnour, Dist- Saran At Chapra
 2. Mehilal Raut Son Of Late Tribhuwan Raut Village- Madhubani, Ps- Amnour, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh, Advocate Mr. Vishesh Kumar Singh, Advocate Mr. Vaibhav Vikram Singh, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Amnour P.S. Case No. 33 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, 400 liters liquor was recovered from Jamunia Gachi.

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 alleged recovery has been made from an open place which is easily accessible to everyone. The petitioners are not named in the F.I.R. Name of the petitioners have transpired on the basis of disclosure made by local chowkidar. The petitioners are in custody since 03.04.2024. Petitioner No. 1 has got four criminal antecedents in which the petitioner is on bail and Petitioner No. 2 has got no 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 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 Amnour P.S. Case No. 33 of 2024, subject to the following conditions:

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

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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