

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37495 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- CHACKMEHSI District- Samastipur

Mukesh Sahani Son of Bindu Sahani R/o- vill - Chakri Dih , Ward No 5
Kharsand, P.S- Kalyanpur, Dist - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chackmehsi P.S. Case No. 157 of 2023 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

3. As per prosecution case, there has been recovery of
total 284.4 liters of illegal foreign liquor from different vehicles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is not named in the FIR. Being the
owner of one of the motorcycles, petitioner has been falsely
implicated in the present case. The petitioner has got no concern



with the seized liquor in question. No incriminating article has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case. The provision of Section 100 of the Cr.P.C. has not been followed in this case. The petitioner is in custody since 08.03.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, the period of custody undergone by the petitioner and the claim based on parity, 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 Chackmeshi P.S. Case No. 157 of 2023.

(Rudra Prakash Mishra, J)

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