

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37605 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- DHAKA District- East Champaran

1. Manish Kumar S/O Late Shankar Singh R/O Village- Kalupakar (Vagulpakar), P.S- Fenhara, Distt.- East Champaran.
2. Birendra Sahani S/O Nanhak Sahani R/O Village- Madhu Chhapra, P.S- Bairganiya, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Dhaka (Pachpakari) P.S. Case No. 126 of 2024, instituted for the offences punishable under Section 414 of the Indian Penal Code, Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 58.200 liters liquor was recovered from two motorcycles. 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 petitioner no. 1 is the owner of motorcycle bearing Registration No. BR05AZ-8301 who was going to market and petitioner no. 2 is not the owner of the other motorcycle in question, he was a passerby of that way. The petitioners are in custody since 22.03.2024 and have 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 Dhaka (Pachpakari) P.S. Case No. 126 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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