

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39130 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- RAXAUL District- East Champaran

Manu Malik, aged about 25 years (M), S/O Late Kishori Malik @ Kishori Mali, R/O Village- Prem Nagar Dom Toli, P.S- Raxaul (Haraiya O.P.), Distt.- East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Rashmi Jha, Advocate

For the Opposite Party : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Raxaul (Haraiya) P.S. Case No. 400 of 2023 dated 02.09.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 51 litres of Nepali liquor is said to have been recovered from the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has been recovered from conscious possession of the petitioner. The



name of the petitioner has sprung up in the present case on the basis of the disclosure made by the local *chaukidar*. The alleged recovery has been made on the road behind the house of the petitioner in an abandoned condition. There is no compliance of Section 100 of the Cr.P.C. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 18.04.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. -1, East Champaran, Motihari in connection with Raxaul (Haraiya) P.S. Case No. 400 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

