

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39859 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- Banjariya District- East Champaran

1. Mukhdeo Sahani Son of Ramnath Sahani Resident of Village-Ajgarwa, P.S- Banjariya, Dist- East Champaran
2. Dilip Sahani Son of Jokhan Sahani Resident of Village-Ajgarwa, P.S- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 26-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Banjariya P.S. Case No. 37 of 2024 instituted for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 20 litres of country-made liquor has been recovered from maize field.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners rather the recovery has been made



from an open place. The petitioners neither have got no concern with the alleged recovery of liquor nor with the maize fields where the alleged recovery has been made. The petitioners are in custody since 01.04.2024. Petitioner no. 1 has two criminal antecedents whereas petitioner no.2 has five criminal antecedents. There is no compliance of Section 100 of the 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya P.S. Case No. 37 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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