

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44722 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- Lalamnia District- Madhubani

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1. Jagdish Kamat Son of Shobhit Lal Kamat @ Shobhit Kamat Resident of Village- Mehase, Mehasa (Mehasha) , P.S- Laukaha, Lalmaniya O.P, Dist- Madhubani
 2. Lalku Sadai Son of Sita Ram Sadai @ Sitaram Sadai Resident of Village- Marik Tole, P.S- Lahan, Dist- Siraha , Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.f Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in Lalmaniya P.S. Case No. 08 of 2024, instituted for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 324 liters liquor was recovered from motorcycle near India-Nepal border and 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 the bailor is the father of petitioner no. 1 and petitioner no. 2 is a resident of Nepal. The petitioners are not the owner of the motorcycle in question. The petitioners are in custody since 24.04.2024 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 Lalmaniya P.S. Case No. 08 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family/local people of the petitioners.

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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