

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44614 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- MADHAURAH District- Saran

Som Khushwaha @ Som Kumar S/o Dudhnath Khuhwaha @ Dudhnath
Prasad R/o vill - Awari, P.S. - Madhaurah, Distt. - Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Marhowrah
(Madhaurah) P.S. Case No. 390 of 2023, instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that, 624.420
liters liquor was recovered from water tank which was under
inspection of the co-accused person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is further submitted that the petitioner is not the owner of the water tank in question. Name of the petitioner has transpired on the basis of disclosure made by local chowkidar. The petitioner is in custody since 24.05.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a this Court vide order dated 29.04.2024 passed in Cr. Misc. No. 32225 of 2024. 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Marhowrah (Madhaurah) P.S. Case No. 390 of 2023.

(Rudra Prakash Mishra, J)

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