

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49917 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- LAUKAHI District- Madhubani

Md. Kayum Miya @ Md. Kayom Miya S/o Md. Baldev Miya R/o vill -
Bantol, Kariyaut, P.s.- Laukahi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in G.R. No. 840 of 2023, arising out of Laukahi P.S. Case No. 301 of 2023, instituted for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 432 liters liquor was recovered from four motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this 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. Learned counsel for the petitioner also submits that the name of the petitioner has transpired as being owner of the motorcycle in question bearing Registration No. BR-32AT-2842 and he has no knowledge regarding the goods being loaded in his motorcycle. However, the petitioner has handed over his motorcycle to co-accused Md. Arif for some work. The petitioner is in custody since 21.11.2023 and has got one criminal antecedent in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 21206 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 G.R. No. 840 of
2023, arising out of Laukahi P.S. Case No. 301 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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