

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54158 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- BARIYARPUR District- Munger

Madhu Khaira @ Ajay Khaira Son of Barju Khaira R/V- Ubhi Banbarsha,
P.S.- Bariyarpur, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Puja Kumari, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Bariyarpur P.S. Case No. 160 of 2023 instituted for the

offences under Sections 30(a)/30(c) of the Bihar Prohibition

and Excise Act, 2018.

3. As per prosecution case, the police has recovered

total 55 liters illegal country-made liquor along with 2

aluminum *dekchi* and 1 aluminum cover from the place of

occurrence. It is alleged that the petitioner succeeded in flee

away from there.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. The petitioner was not arrested on the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the local *Chaukidar*. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 09.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction
of Court below/concerned Court in connection with
Bariyarpur P.S. Case No. 160 of 2023.

(Rudra Prakash Mishra, J)

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