

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58001 of 2024

Arising Out of PS. Case No.-316 Year-2024 Thana- MALSALAMI District- Patna

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1. Lalan Ray @ Lalan Rai Son of Gikal Ray Village -Nawabganj, Budel Toli, P.S., -Malsalami, District -Patna
 2. Dharmendra Rai Son of Gikal Rai Village -Nawabganj, Budel Toli, P.S., -Malsalami, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with

Malsalami P.S. Case No. 316 of 2024 instituted for the

offences under Section 30(a) of the Bihar Prohibition and

Excise Amendment Act, 2022.

3. As per prosecution case, the police has recovered

total 230 liters of illegal liquor from the joint possession of

the petitioners.

4. Learned counsel for the petitioner submits that

the petitioners are innocent and have committed no offence



as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners as the alleged liquor has been recovered from the graveyard which is a public place. The petitioners have 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 no.1 has three criminal antecedents whereas the petitioner no.2 has one criminal antecedent and are languishing in judicial custody since 05.07.2024 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 petitioners.

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 petitioners, let the petitioners, abovenamed, 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 Malsalami P.S. Case No. 316 of 2024.

(Rudra Prakash Mishra, J)

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