

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62992 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- LAUKAHI District- Madhubani

Shiva Saday, Male, aged about 25 years, Son of Kishan Saday, Resident of Village- Harbhanga, P.S - Laukahi, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in connection with Laukahi Police Station Case No. 35 of 2024 registered for the offence under Sections 272, 273 / 34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of total 162 liters of illicit liquor from the possession of petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner. He further submits that there is no any independent witness of the seizure list. He next submits that the petitioner has no criminal antecedent as stated in para 3 of the petition is in custody since



23.02.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. From perusal of the FIR and the impugned order of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani vide order dated 18.03.2024, it appears that there is no any independent witness of the seizure list and he has been implicated in this case only on the basis of concocted story and suspicion. Similarly situated co-accused persons namely Sanjay Yadav has been granted bail by this Court in Cr. Misc. No. 30885 of 2024 vide order dated 23.04.2024, so considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the petitioner, above named, 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 learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 35 of 2024.

(Ramesh Chand Malviya, J)

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