

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75183 of 2024

Arising Out of PS. Case No.-676 Year-2024 Thana- SONEPUR District- Saran

Sharwan Rai @ Sarwan Ray, Male, aged about 50 years, Son of Late Bambahadur Ray, Resident of Village- Chitrasenpur, P.S.- Sonapur, Distt.- Saran at Chapra (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonapur P.S. Case No. 676 of 2024 dated 04.08.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 50 litres of illicit country made liquor was recovered from the field behind the house of the co-accused Shambhu Rai.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the possession of the petitioner rather the alleged illicit liquor was recovered from the



field behind the house of the co-accused Shambhu Rai. He has no concern with the alleged offence. There is no compliance of Section 100 of the Cr.P.C. The other co-accused Shambhu Rai has already been granted bail by a Bench of this Court vide Cr. Misc. No. 73505 of 2024 under order dated 08.10.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 04.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Sonepur P.S. Case No. 676 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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