

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71278 of 2024

Arising Out of PS. Case No.-299 Year-2024 Thana- SIRDALA District- Nawada

Chhotu Rajbanshi Son of Ishwari Rajbanshi Village- Jaiprakash Nagar, P.S-
Sirdalla, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Adv.
For the Opposite Party/s : Mr.Nityanand, APP

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

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sirdalla
P.S. Case No. 299 of 2024 instituted for the offences under
Section 30(a)/41 of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered
total 105 liter illicit country-made liquor and a motorcycle
bearing Regd. No. BR27L-3262 from the place of occurrence. It
is alleged that the petitioner managed to flee away from the
spot and has been implicated in this case on the basis of the
disclosures made by the local *Chaukidar*.

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 highhandedness of the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house rather the same has been recovered from the open field. The petitioner has been named in the present case only on the basis of the disclosures made by the local *Chaukidar* on mere suspicion. The petitioner is not the owner of the alleged motorcycle. The petitioner has also 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 of the similar nature of offence and is languishing in judicial custody since 21.08.2024 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 Sirdalla P.S. Case



No. 299 of 2024.

(Rudra Prakash Mishra, J)

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