

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74767 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- LAKHAURA District- East Champaran

1. Lalbabu Paswan Son of Jiut Paswan @ Jiyut Paswan R/O Vill.- Lakhaura Mohra Tola, P.S.- Lakhaura, Dist.- East Champaran.
2. Binod Manjhi @ Vinod Manjhi Son of Late Mahavir Manjhi R/O Vill.- Lakhaura Musahari Tola, P.S.- Lakhaura, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Lakhaura P.S. Case No. 105 of 2024, instituted for the offences punishable under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 50 liters liquor was recovered from field.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners



have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners further submits that the petitioners were not arrested on spot. Name of the petitioners have transpired on the basis of disclosure made by local chowkidar. The petitioners are in custody since 06.09.2024. Petitioner No. 1 has got one criminal antecedent in which he is on bail and petitioner no. 2 has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lakhaura P.S. Case No. 105 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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