

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78256 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Mintu lal sah Son of Ragho lal sah Resident of village - Hariyan Chhapra,
P.S- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Nityanand, APP

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

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
add date of custody in para-1 of the bail application during
course of the day.

3. The petitioner seeks bail in Muffasil P.S. Case No.
350 of 2024, instituted for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that, 3 liters liquor
was recovered from *jalkumbhi* behind the house of the
petitioner.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner was not arrested on spot. Name of the petitioner has transpired in this case on the basis of disclosure made by local people. It is further submitted that the alleged recovery has been made from an open place behind the house of the petitioner which is easily accessible to public at large. The petitioner is in custody since 12.09.2024 and has got three criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Muffasil P.S. Case
No. 350 of 2024

(Rudra Prakash Mishra, J)

Rajorshi/-

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