

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82173 of 2024

Arising Out of PS. Case No.-555 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Sohrab Alam S/O Jhingan @ Manir Sah R/O Village- Siswa, P.S- Manjariya,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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

ORAL ORDER

3 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Motihari Town P.S. Case No. 555 of 2024 instituted for the
offences under Section 317(5), 3(5) of the B.N.S. and Section
30(a) of the Bihar Prohibition and Amendment Excise Act,
2022.

3. As per prosecution case, the police has recovered
total 180 ml foreign liquor from the stolen motorcycle. The
police has also recovered stolen Scorpio vehicle in this case.

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



merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither concerned with the alleged recovered foreign liquor nor with the recovered motorcycle or the Scorpio. The petitioner has also no concern with the co-accused persons. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Md. Naushad @ Md. Nausad has been granted bail by this Court vide order dated 06.12.2024 passed in Cr. Misc. No. 83881 of 2024. Co-accused Pappu Kumar Ramanand Prasad @ Ramanand Bhagat and Munna Kumar have also been granted bail by this Court vide order dated 11.11.2024 passed in Cr. Misc. No. 78793 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no



criminal antecedent and the prayer for bail being based on parity, 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 Motihari Town P.S. Case No. 555 of 2024.

(Rudra Prakash Mishra, J)

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