

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83881 of 2024

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

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Md. Naushad @ Md. Nausad S/O Md. Mustaq @ Md. Mustakim Dewan R/O
Village- Siswa Sahbad Tola, P.S- Turkauliya, 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, Advocate

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

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

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. The prosecution case, in short, is that total 180 ml
foreign liquor was recovered from stolen motorcycle and one
Scorpio vehicle was also recovered in this case.

4. 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. It is submitted



that the name of the petitioner has transpired on the confessional statement of co-accused Sohrab Alam which has no evidentiary value. The Scorpio vehicle was not recovered in presence of the petitioner. The petitioner is in custody since 04.09.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S. Other co-accused have been granted bail by this Court *vide* orders dated 11.11.2024 and 21.11.2024 in Cr. Misc. No. 78793 of 2024 and 81345 of 2024 respectively.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motihari Town PS Case No. 555 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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