

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82341 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- Pachpakdi District- East Champaran

1. Musmat Somari Devi @ Somari Devi Wife of Late Shivdhari Sah Resident of Village -Pachpakari ps -Pachpakari District- East Champaran
2. Md. Wajid @ Md. Wajid Hussain son of Late Idarish Sah @ Late Md. Idrish village- Chandan Bara Ps- Dhaka, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Pachpakari P.S. Case No. 36 of 2024, instituted for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 18 liters liquor was recovered from the house of petitioner no. 1. Both the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has 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 petitioner also submits that the alleged recovery has been made from the joint house of petitioner no. 1 who is a lady and other family members also reside there. It is alleged that petitioner no. 2 is the supplier of said liquor which has been denied by petitioner no. 2. The petitioners are in custody since 24.09.2024. Petitioner no. 1 has got no criminal antecedent and petitioner no. 2 has got one criminal antecedent in which he is on bail. 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 Pachpakari P.S. Case No. 36 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

