

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83082 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- LAKHAURA District- East Champaran

1. Raushan Mishra, S/O Bijay Shankar Mishra @ Vijay Shankar Mishra Resident of Village- Gewahi Mathiya (Gonahi Mathiya), P.S.- Chhauradano, Dist- East Champaran
2. Heeralal Sah @ Heeralal Prasad @ Hiralal Prasad, S/O Late Akalu Sah Resident of Village- Gewahi Mathiya (Gonahi Mathiya), P.S.- Chhauradano, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Mr. Ramchandra Sahni, learned APP for the State.

2. Petitioners seek regular bail in connection with Lakhaura P.S. Case No. 135/2024 dated 05.10.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act (in short 'Excise Act').

3. The main submissions advanced by learned counsel for the petitioners are that the instant matter relates to the recovery of 105 litres of country-made liquor from a motorcycle but the petitioners have been made accused mainly on the basis of suspicion and the petitioners have no concern with the seized motorcycle and there is no independent witness of the recovery of



liquor, though against the petitioners, there are two criminal antecedents lodged under Excise Act but they are on bail in the said cases. It is further submitted that admittedly, the petitioners were not caught red-handed with the alleged liquor rather they are said to have been arrested when they were fleeing on seeing the police party which shows that the alleged liquor was not recovered from their conscious possession. It is further submitted that the petitioners have been languishing in jail since 06.10.2024 and against them, the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Considering the above submissions and mainly petitioners’ custody period and completion of the investigation against them, this Court is inclined to grant the relief of regular bail to the petitioners. Accordingly, let the petitioners named-above be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Lakhaura P.S. Case No. 135/2024.

(Shailendra Singh, J)

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