

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83047 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- MADHWAPUR District- Madhubani

1. Santosh Nayak son of Chandeshwar Nayak Village -Latraha, PS- Jale, district -Darbhanga
2. Sanni Kumar son of Ashok Bhandari Village - Soria, PS- Jale, district -Darbhanga
3. Ram Kumar son of Mohan Sada Village -Jale, PS- Jale, district -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with
Madhwapur (Madhawpur) PS Case No. 119 of 2024 instituted
for the offences under Sections 274, 275 & 3(5) of the Bharatiya
Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that 167.76 liters



of *nepali* liquor was recovered from car. Petitioners were arrested from the 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. It is submitted by learned counsel for the petitioners that petitioners are neither the owner nor the driver of the vehicle in question. Petitioners had gone to nearby village for negotiation of the marriage of daughter of petitioner No.1 and were returning from there and they were arrested by the police. The petitioners are in custody since 09-10-2024 and have got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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, clean antecedent of the petitioners 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/- (Ten thousand) each with two sureties



of the like amount each to the satisfaction of Court
below/concerned Court in connection with Madhwapur
(Madhawpur) PS Case No. 119 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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