

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84515 of 2024

Arising Out of PS. Case No.-526 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Jitendra Sahani Son of Bhukhal sahani Resident of Village - Chilwaniya
(Chilawaniya), P.S. - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Turkauliya (Banjariya) P.S. Case No. 526 of 2023, instituted for
the offences punishable under Sections 272, 273 of the Indian
Penal Code, Sections 30(a), 32, 34, 36 and 41(1) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 10 liters
liquor was recovered from bamboo orchard situated behind the
hut of the petitioner.

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. Learned counsel for the petitioner further submits that the alleged recovery has been made from an open place behind the hut of the petitioner which is easily accessible to public at large. The petitioner is in custody since 24.09.2024 and 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Turkauliya (Banjariya) P.S. Case No. 526 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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