

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86140 of 2024

Arising Out of PS. Case No.-353 Year-2024 Thana- LAURIA District- West Champaran

Sudhir Mahto @ Sudhir Kumar S/o Ramchandra Mahto R/o Village- Kukura,
PS- Sikarpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Lauriya P.S. Case No. 353 of 2024, instituted for the offences
punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1033.68
liters liquor was recovered from pick-up vehicle.

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 also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Manish Sah and the same has got no evidentiary value. It is further submitted that the petitioner is neither owner nor driver of the said vehicle in question. The petitioner is in custody since 29.10.2024 and has got no criminal antecedent. 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 Lauriya P.S. Case No. 353 of 2024.

(Rudra Prakash Mishra, J)

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