

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86689 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- DARPA District- East Champaran

Saddam Miyan @ Sadam Miyan S/O Rajak Miyan R/O vill.- Belahiya,P.S-Darpa, Dist- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

- 218-12-2024
1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Darpa P.S. Case No. 159 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and Sections 274, 275, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that total 80 litres of liquor was recovered from motorcycle. Petitioner was arrested on the spot.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 18.10.2024 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Darpa P.S. Case No. 159 of 2024.

(Rudra Prakash Mishra, J)

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