

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87202 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- BANJARIA District- East Champaran

Jhaman Kumar Son Of Mangani Sah Resident Of Village - Darogatola, P.S.-
Banjariya, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
		Mr. Dhandev Kumar, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar No. 2, APP

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

ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Banjariya PS Case No. 288 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act and
Sections 317(5), 274 & 275 of the Bharatiya Nyaya Sanhita,
2023.

3. The prosecution case, in short, is that 3.750 liters
foreign liquor was recovered from motorcycle. Petitioner was
arrested on the spot.

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. Petitioner is not the owner of the motorcycle in question. The petitioner is in custody since 09-10-2024 and has got no criminal antecedent. There is no compliance of Section 103 of BNSS, 2023.

5. Learned A.P.P. 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, clean antecedent of the petitioner 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 Banjariya PS Case No. 288 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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