

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3987 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- Bhelahi District- East Champaran

1. Dipak Kumar Son of Lalbabu Pasi Resident of Village- Bhelahi, P.S.- Bhelahi, District- East Champaran
2. Shamjit Das Son of Khobari Das @ Khobhari Das Resident of Village- Bhelahi, P.S.- Bhelahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bhelahi PS Case No. 38 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 15.200 litres of country made liquor was recovered from several plastic bags.

4. Learned counsel for the petitioners submit 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 that recovery is made from an open place, which is accessible to one and all. The petitioners are in custody since 25.10.2024. The petitioner no. 1 has one criminal antecedent and petitioner no. 2 has clean 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 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 Bhelahi PS Case No. 38 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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