

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89263 of 2024

Arising Out of PS. Case No.-519 Year-2024 Thana- BATHNAHA District- Sitamarhi

Md. Wahid S/O Late Ammanullah Village- Betha, P.S. - Bela, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Madhuri Lata

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

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bathnaha P.S. Case No. 519 of 2024, instituted for the offences punishable under Sections 317(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, total 387 liters liquor was recovered from Scorpio car and motorcycle out of which 360 liters liquor was recovered from the Scorpio car from which the petitioner was arrested.

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 petitioner is neither owner nor driver of the said vehicle in question, rather he took lift in the said vehicle and he had no knowledge regarding the goods being loaded in the vehicle. The petitioner is in custody since 13.11.2024 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 Bathnaha P.S. Case No. 519 of 2024.

(Rudra Prakash Mishra, J)

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