

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89603 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- Lalmatia District- Bhagalpur

1. Buntty Kumar Choudhary, Male, aged about 39 years, S/O Late Sushil Choudhary, R/O Village- Pasi Tola, P.S- Lalmatiya, District- Bhagalpur.
2. Raju Kumar @ Raju Kumar Choudhary, Male, aged about 24 years, S/O Pawan Choudhary @ Paswan Kumar Choudhary, R/O Village- Pasi Tola, P.S- Lalmatiya, District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate and Mr. Ashwini Kumar, Advocate
For the Opposite Party	:	Mr. Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-02-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Lalmatia P.S. Case No. 83 of 2024 dated 17.10.2024 registered for the offences punishable under Sections 30(a), 30(d), 34 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant alongwith other police officials apprehended the petitioners and on search, 13 bags of Nausadar each bag containing 25 kg., total 325 kg., 05 bags of Nausadar total 433 kg., one bag of 24.450 kg., Mahua, one bag of 41.200 kg., Mahua in total 65.650



Mahua, 83.650 kg. Jaggery (Gur), one tin jaggery juice 14.180 kg., Instant Dry Yeast Powder 41 piece each packet weight 20.500 kg., Eagle Company Instant Dry Yeast 64 piece each 500 kg. total 32 kg., Instant Dry Yeast Power 112 piece each packet of 500 gm total weight 154. 500 kg., Rs. 49,560 and one mobile were recovered from their possession.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no compliance of Section 103 of BNSS because there is no any independent witnesses rather in this case witnesses are police personnel. It is further submitted that the alleged recovery was made from the joint house of the petitioners where many people used to reside. It is further submitted that the alleged recovered articles does not come under the purview of N.D.P.S. Act. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 18.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners,



above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Bhagalpur in connection with Lalmatiya P.S. Case No. 83 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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