

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50045 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- FESHAR District- Aurangabad

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Gautam Kumar S/o Ramkapil Singh @ Kapil Yadav Resident of Village -
Hussainabad, P.S.- Fesar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Upon repeated call, no one appeared on behalf of the
petitioner.

Learned counsel for the State appeared.

Heard learned A.P.P. for the State through virtual
mode.

The petitioner seeks regular bail in connection with
Fesar P.S. Case No. 105 of 2021 lodged under Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, total recovery of 84 liter
countrymade liquor is subject matter of the present case as per
the allegations made in the F.I.R.

Learned counsel for the State submits that petitioner

was not apprehended from the place of occurrence and petitioner is on remand having clean antecedent.

Upon going through the F.I.R., it transpires that the said recovery was made near *Murkatti pool* of Aurangabad district and recovery was not made from the petitioner's possession.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court-IIInd, Aurangabad in connection with Fesar P.S. Case No. 105 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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