

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54520 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sajan Kumar Son Of Late Shankar Sahni R/O Village- Shambhupatti, P.S.-
Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manisha Pandey, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, App, 84

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Samastipur (Muffasil) P.S. Case No. 236 of 2022 lodged under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per the prosecution case, total recovery of
213.930 litre wine has been made, which is the subject matter of
the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the said recovery has been made from a vehicle

which the petitioner was alleged to be the driver. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 27.05.2022, charge sheet has already been filed in this case. Counsel categorically submits that petitioner was driving the vehicle under wrong impression and he is completely unaware that wine was loaded in the vehicle. Counsel submits that there is a gross violation of Section 100 of Cr.P.C. in preparation of the seizure list.

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 Excise Court-1, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 236 of 2022, 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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