

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2164 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- MALSALAMI District- Patna

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SANDEEP KUMAR S/O BIMAL KUMAR RAY @ VIMAL KUMAR RAY
Resident of village- Jaganpura, P.S.- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Swetabh

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 36 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 120 liters country made liquor from a tempo bearing Registration No. BR01PH-6695.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Petitioner is not owner of the said tempo rather he is driver of the tempo but he



has no concern with the alleged recovery of illicit liquor. It is further submitted that nothing incriminating article has been recovered from conscious or constructive possession of the petitioner and he is languishing in judicial custody since 8.10.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Malsalami P.S. Case No. 567 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna City, Patna.

(Sunil Kumar Panwar, J)

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