

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2904 of 2023

Arising Out of PS. Case No.-368 Year-2022 Thana- MIRGANJ District- Gopalganj

Mohit Ram @ Mohit Ray Son Of Lakshman Ram @ Lakshman Ray @ Rudal Ray R/O Village- At Present- Rasulpur, P.S.- Barharia, District- Siwan, Permanent Village- Bazarmara, P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 05-07-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner prayed for regular bail in connection with Mirganj P.S. Case No. 368 of 2022 instituted for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per FIR, the petitioner was apprehended on the spot and from a car bearing Reg. No. BR01-PA-9801, total 380.145 liters illicit liquor was recovered.

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. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery nor vehicle in question belongs to him. Seizure list has not been prepared as per provision of Section 100 of the Cr.P.C. It is further submitted that nothing incriminating article has been recovered from his conscious possession. The petitioner is languishing in judicial custody since 19.10.2022.

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

The petitioner being driver of the alleged vehicle is directed to deposit a sum of Rs 10,000/- (Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mirganj P.S. Case No. 368 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 Additional District and Sessions Judge-IV-cum



Exclusive Special Excise Court-II, Gopalganj.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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