

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5276 of 2023

Arising Out of PS. Case No.-303 Year-2021 Thana- SARAI District- Vaishali

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BABALU KUMAR @ BALUA Son of Rajendra Ray @ Rajan Rai R/v-
Majhauri Mohammadpur Bujurg, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Himanshu Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sarai P.S. Case No.303 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution, this petitioner is alleged to be involved in illicit trading of liquor and from the alleged place 1.80 litres of liquor was recovered by the raiding team.

The main submissions advanced by the learned counsel Mr. Himanshu Ranjan for the petitioner are that the



instant matter relates to the recovery of very small quantity of foreign liquor of 1.80 litres kept in six *tetra* packs but the said recovery was not made from the conscious possession of this petitioner and the same was recovered near a factory and the petitioner was not apprehended at the spot and against him there are criminal antecedents of six cases and in most of the cases he was remanded and in the instant matter he has been languishing in jail since 15.11.2022.

Learned APP Mr. Md. Anbzarul Haque Sahara appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Having considered the above submissions, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sarai P.S. Case No.303 of 2021.

(Shailendra Singh, J)

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