

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4042 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- GANGABRIDGE District- Vaishali

BINOD RAY Son of Kridhan Ray @ Nirdhan Ray Resident of village -
Kunwari, P.S.- Ganga Bridge, District - Vaishali at Hazipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 467, 468, 471, 420/34 of the Indian Penal Code and Section 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 3861 litres of IMFL from a truck bearing Registration No. HP-12D-9231, one pickup van and one tractor without registration number.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. He has no concern with the alleged recovery or with the vehicles in question. From perusal of the seizure list, it transpires that there is no



compliance of Section 100 Cr.P.C.. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 71097 of 2022. He is languishing in judicial custody since 5.12.2022.

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

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-I-cum-Additional Sessions Judge, Vaishali at Hazipur in connection with Ganga Bridge P.S. Case No. 228 of 2022.

(Sunil Kumar Panwar, J)

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