

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4724 of 2023

Arising Out of PS. Case No.-457 Year-2021 Thana- GARDANIBAG District- Patna

SAMBHU SAW @ SAMBHU GUPTA Son of Satrudhan Prasad @ Late Lok Nath Saw R/o Sadhnapuri Road no. 6D Near Sai Mandir, P.S- Gardanibagh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-04-2023 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 96.87 liters illicit liquor from house of Gopal Ji and the petitioner is alleged to be indulged in the business of selling liquor.

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. Petitioner has no concern with the alleged recovery of illicit liquor or with the place of occurrence. No any incriminating



article has been recovered from conscious possession of the petitioner. There is no any independent witness of the alleged occurrence which is violation of section 100 of Cr.P.C. It is further submitted that the name of the petitioner came into light in this case on the basis of secret information. Moreover, the petitioner is remanded in this from another case on dated 21.11.2022 and since then, he is languishing in judicial custody.

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, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Gardanibag P.S. Case No. 457 of 2021 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, Patna.

(Sunil Kumar Panwar, J)

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