

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5370 of 2023

Arising Out of PS. Case No.-912 Year-2022 Thana- GAYA MUFASIL District- Gaya

Ayush Kumar Son Of Sanjay Kumar Gupta R/O Mohalla- Bhushanda, P.S-
Moffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-04-2023 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 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 65 litres of country made liquor from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery. There is no independent witness of the alleged seizure which violated the Section 100 of Cr.P.C. It is submitted vide para 7 of the petition that place of seizure is



an open place which is easily accessible to others also. He is languishing in judicial custody since 13.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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 as well as period under custody, 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, Gaya in connection with Muffasil P.S. Case No. 912 of 2022.

(Sunil Kumar Panwar, J)

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