

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5635 of 2023

Arising Out of PS. Case No.-97 Year-2022 Thana- RISIYAP District- Aurangabad

SUBEDAR PRASAD @ SUBEDAR MEHTA S/O SUNESHWAR MEHTA
@ MUNESHWAR MEHTA @ SUNESHWAR PRASAD Resident of Village-
Dudhar, P.S.- Risiyap, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 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 185.76 litres
of country made liquor from Tata Tigore car and co-accused
Vikash Singh was arrested on spot, who disclosed the name of
the petitioner as one of his associates, who managed to escape.

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 or with the
vehicle in question of occurrence. The name of the petitioner



has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 4.1.2023.

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 Special Judge, Excise 2nd, Aurangabad, Bihar in connection with Risiyap PS Case No. 97 of 2022.

(Sunil Kumar Panwar, J)

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