

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5846 of 2023

Arising Out of PS. Case No.-464 Year-2022 Thana- BARUN District- Aurangabad

Lakshman Bhuiyan Son of Arjun Bhuiyan @ Arjun Ram R/V- Gajbore Bigha,
bhuiyan Toli, P.S- Barun Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 29-04-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Barun P.S.
Case No. 464 of 2022 dated 20.10.2022 registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the alleged wine was recovered near a public
toilet and the said recovery was not made from the conscious
possession of this petitioner and moreover, the recovery was not
made before independent persons and only two official persons
have been shown as witnesses of the alleged recovery as per the
seizure memo and one co-accused namely, Sanjay Bhuiyan has
been granted bail by a co-ordinate bench of this Court vide
order passed in Cr. Misc No. 569 of 2023 and this petitioner has

fair and clean antecedent.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner’s fair and clean antecedent and also the fact that the place of recovery is stated to be near a public toilet and the same is also stated to be an open place, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Barun P.S. Case No. 464 of 2022.

(Shailendra Singh, J)

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