

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6700 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- NIRMALI District- Supaul

1. AJAY DATTA S/O SATISH DUTTA R/v- 9 Block, R- Block Gopal Nagar Extension, Najafgarh, South-West Delhi - 110043 Present Address- Raushan Vihar, Phase- 2, R-Z 36, Near Rao Mansingh School, P.S.- Chawla, District- Najafgarh, New Delhi- 110043
2. ANIL KUMAR S/O KRISHNALAL R/v- R-Z Block, Near Krishna Mandir Road, New Raushanpura, Najafagarh, South-West Delhi, 110043 Present Address- Village Khera, Near Khera Samshan Ghat, Najafagarh, New Delhi, 110043

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner registered in connection with Nirmali P.S. Case no. 173 of 2022 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 5,900,85 litres country made wine from a truck which was without registration number.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely



implicated in this case. Provision of Section 100 Cr.P.C. has not been complied while making search and seizure. He has got no criminal antecedent. No any incriminating article has been recovered from his conscious possession. Petitioner is languishing in judicial custody since 23.08.2022.

Learned APP appearing for the State has opposed the prayer of bail and the alleged truck, which is without registration number is a stolen property .

Having heard learned counsel for the parties and considering the recovery of huge quantity from a truck which was without registration number, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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