

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9634 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- CHANDI District- Bhojpur

RAHUL KUMAR S/o Vijay Singh R/o village- Salempur, P.S.- Chandi, Distt-
Bhojpur at Ara, Pin - 802161.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2023 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.

The prosecution story, in brief, is that the police party reached at bank of Charki river after getting secret information then the accused persons started to flee away. Upon search the place of occurrence, total 50 liters country made liquor and a motorcycle were recovered.

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 vehicle in question. Neither the petitioner was arrested on spot nor incriminating article has been recovered from his conscious possession rather the name of the petitioner has been disclosed by the co-villagers. It is further submitted that the seizure list witness are police officials not a single independent witness, which violates the provision of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 3.1.2023.

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 Chandi P.S. Case No. 191 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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