

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7882 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- THAWE District- Gopalganj

PAWAN KUMAR S/O SHRI KISHUN PASI Resident of Village- Kabilaspur,
P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-04-2023 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 414/34 of the Indian Penal Code and Section 30(a)/41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 137.460 liters illicit foreign liquor from a tempo bearing registration no. BR-29R7013 which is alleged to be stolen property.

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 by the police due to his criminal antecedent. It is further submitted that the petitioner is only co-passenger of vehicle in question



and he has no concern with the said vehicle or with the recovery of illicit liquor. Nothing incriminating article has been recovered from conscious possession of the petitioner. Moreover, similarly situated co-accused namely, Manish Kumar and Dilip Kumar have already been granted bail by a co-ordinate Bench of this Court vide order 4.3.2023 passed in Cr. Misc. No. 4941 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 29.11.2022.

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 Thawe P.S. Case No. 316 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 Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj.

(Sunil Kumar Panwar, J)

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