

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12024 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- MADANPUR District- Aurangabad

Dharamjit Kumar @ Bhola Son Of Sipahi Yadav R/O Khesar Badal Bigha,
P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-04-2023 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 section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 628.5 liters illicit liquor from two vehicles bearing Registration nos. BR-26C-2896 & BR26-E-4838 which were parked in front the house of this petitioner.

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 vehicles in question from where the recovery



has been made. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from conscious his conscious or constructive possession. It is further submitted that the seizure list witness are police official not a single independent witness which violates the provision of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 28.12.2022.

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 Madanpur P.S. Case No. 166 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 Special Judge Excise-1st, Aurangabad.

(Sunil Kumar Panwar, J)

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