

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15082 of 2023

Arising Out of PS. Case No.-134 Year-2021 Thana- PIYAR District- Muzaffarpur

WAKIL RAY S/o Laxmi Ray R/o Village- Chakki, P.S.- Gaighat, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 272, 273 and 34 of the
Indian Penal Code and Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act.

As per prosecution case, there has been recovery of
223.56 liters of illegal Foreign liquor from a *Truck*, Bearing No.
JH09L-6132.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has not apprehended on spot.
On the basis of confessional statement of co-accused namely
Krishna Prasad, who apprehended on spot, the name of the
petitioner has come into light, which has got no evidentiary



value in the eyes of law. He submitted that the petitioner has no concern either with the seized truck or with the seized liquor. Nothing incriminating article has been recovered from the conscious possession of the petitioner. He submitted that the other co-accused namely, Arun Kumar has already been granted bail by a Co-ordinate Bench vide order dated 23.09.2022 passed in Cr. Misc. No. 39242 of 2022. He is languishing in judicial custody since 06.01.2023.

The application for bail is opposed by learned APP for the State.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise) Court No. IInd, Muzaffarpur in connection with Piya P.S. Case No. 134 of 2021.

(Sunil Kumar Panwar, J)

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