

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12184 of 2023

Arising Out of PS. Case No.-963 Year-2022 Thana- FATUA District- Patna

BINOD RAI @ BINOD KR. RAI Son of Ramanand Rai R/V- Maksudpur,
P.S- Fatuah Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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 sections 30(a) & 37(ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 150 liters illicit country made liquor from the roof of petitioner's house and the petitioner was arrested on spot in drunken state.

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 and the place of recovery is a joint house. No any incriminating article has been recovered from conscious



possession of the petitioner. It is further submitted that the seizure list witness are police official not a single independent witness which violates section 100 of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 30.12.2022.

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 as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Fatuah P.S. Case No. 963 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 Judge, Excise, Patna City Dist- Patna.

(Sunil Kumar Panwar, J)

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