

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12183 of 2023

Arising Out of PS. Case No.-1455 Year-2022 Thana- PHULWARISHARIF District- Patna

Rocky Kumar Son Of Abdhesh Rai R/O Village- Ramdichak Naharpar
Bataganj, P.S.- Digha, District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-05-2023 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 & Excise Act.

Prosecution case relates to recovery of total 100 liters of illicit liquor from a tempo bearing Registration No. BR01PN-1876 and the petitioner is said to be driver of the said vehicle.

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. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Petitioner is alleged



to be driver of the said vehicle but he has no concern with the alleged recovery of illicit liquor. No any incriminating article has been recovered from his possession. 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. The petitioner is languishing in judicial custody since 26.11.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioner is apprehended on spot with the alleged recovery of illicit.

The petitioner is directed to deposit a sum of Rs 10,000/- (Ten Thousand) in the District Legal Services Authority of concerned District.

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 Phulwarisharif (Janipur) P.S. Case No. 1455 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 Act, Patna.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of



Rs. 10,000/- (Rs. Ten thousand) by the petitioner in the account
of the concerned DLSA.

(Sunil Kumar Panwar, J)

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