

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13712 of 2023

Arising Out of PS. Case No.-507 Year-2022 Thana- ALAMGANJ District- Patna

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Bhola Sahani Son Of Late Laxmi Sahni Resident Of Alamganj Chowki, P.S.-
Alamganj, District- Patna. At Present A Resident Of Ram Babu Colony, Gur
Ki Mandi, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant
of regular bail in connection with Alamganj P.S. Case No. 507 of
2022 registered under sections 30(a) and 36 of the Bihar
Prohibition and Excise Act and Section 414 of the Indian Penal
Code.

Prosecution case relates to recovery of 80 liters
incriminating wine from the scooty which was being driven by
co-accused person and he was arrested on spot by the police.
Further he disclosed that he had to give this liquor to this
petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The name of the petitioner came in the F.I.R. on the basis of confessional statement of other co-accused person, namely, Kusheshwar Kumar before the police and from his possession illicit wine has been recovered. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and also he has no concern either with the alleged recovery of wine or with the vehicle in question. There is no independent witness of the seizure list. Moreover, he is languishing in judicial custody since 17.01.2023.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Alamganj P.S. Case No. 507 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Patna.

(Sunil Kumar Panwar, J)

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