

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12636 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SHEKHPURA District- Sheikhpura

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ASHISH KUMAR Son of Janakdeo Prasad R/v- Harbhu, P.S.- Argora,
District- Ranchi and State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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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 sections 30(a)/41/32 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 94.5 liters of illicit foreign liquor from a vehicle bearing Registration no. JH01AV-1600 and the petitioner is said to be arrested on spot while he was trying to escape from the place of occurrence.

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. It is further submitted



that the the petitioner is neither the driver rather he was only sitting in the vehicle after taking lift and he has no concern with the alleged recovery of illicit liquor or with the vehicle in question. Nothing incriminating article has been recovered from conscious possession of the petitioner. Moreover, the petitioner is languishing in judicial custody since 29.1.2023.

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 Sheikhpura (SKP) P.S. Case No. 40 of 2023 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 Excise Judge, Sheikhpura.

(Sunil Kumar Panwar, J)

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