

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13362 of 2023**

Arising Out of PS. Case No.-287 Year-2022 Thana- BARHIYA District- Lakhisarai

SHIVAM KUMAR @ TILAURI S/O Shambhu Kumar Ranjan R/O Village-
Dumari, P.S- Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 25-04-2023 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 section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of of total 90 liters illicit foreign liquor from a vehicle bearing Registration no. JH-01D-5582 and the petitioner is said to be sat in the the seized vehicle at the time 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. Petitioner has no



concern with the alleged recovery of illicit liquor or with the vehicle in question from where the recovery has been made. 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 the provision of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 31.12.2022.

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, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barahiya P.S. Case No. 287 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 Additional District and Sessions Judge-IV-cum-Special Excise Court No.-I, Lakhisarai.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

