

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18242 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

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HARSHIT KUMAR S/O VIKRAM KUMAR Resident of Village- Majhauri
Bazar, P.S.- Belchchi, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act.

As per prosecution case, the informant received a
secret information that illegal wine is transporting by Railway,
Train No. 09447 (Ahmadabad-Patna Express). The informant
along with police party started checking in the train and there
has been recovery of different quantities of illegal English wine
from 19 persons including the petitioner. It is further alleged



that total 90.3 liters English wine has been recovered from the petitioner, which was kept in a yellow bag.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the petitioner went to his village in train from Varanasi but in the way, on the basis of suspicion, he has implicated in the present case by the police. The seizure list has not been prepared as per provision of law and there is no independent witness of seizure list. He further submitted that the petitioner has no concern either with the seized the liquor and no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 31.12.2022.

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

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Excise Court No. 1st, Bhojpur at Ara in
connection with Buxar Rail P.S. Case No. 208 of 2022.

(Sunil Kumar Panwar, J)

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