

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16434 of 2023

Arising Out of PS. Case No.-152 Year-2020 Thana- SURYAGARHA District- Lakhisarai

NIRAJ KUMAR S/o Late Rajendra Singh Resident of Village-Olipur
(Walipu), P.S.-Pipariya, District-Lakhisari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-04-2023 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, there has been recovery of
907 liters of illegal English liquor from a boat and a mini truck,
which was found near the bank of the river.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has not apprehended on spot.
Petitioner has no concern either with the seized vehicle/boat or
with the liquor in question, which is mentioned in para-12 of the
bail petition. The name of the petitioner has come into light, on



the basis of confessional statement of one *Choukidar*, which has got no evidentiary value in the eyes of law. He submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 19.05.2021 passed in Cr. Misc. No. 2982 of 2021. He is languishing in judicial custody since 24.01.2023.

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 4th, Additional District and Sessions Judge-cum-Special Judge Court No. 1, Lakhisarai in connection with Suryagarha P.S. Case No. 152 of 2020.

(Sunil Kumar Panwar, J)

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