

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17863 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

Raja Kumar Son Of Sri Awadhesh Kumar @ Awadhesh Prasad Singh R/V-
Chakhabib, P.S- Bibhutipur Dist- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

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

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 filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468, 471 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 30(a), 32(1), 32(2), 36, 41(1), 45, 62 of Bihar Prohibition and Excise Act.

The prosecution case in nutshell is that when the informant was on patrolling, he got information about unloading of illicit liquor. On raid, they saw that in



the Sahil Enterprises from truck and pickup van, several persons were unloading the cartoons and were keeping the same on motorcycle as well in the godown. On seeing the police party, the accused persons started firing. On search, 1337.865 litres of IMFL and other incriminating articles have been recovered from vehicles standing in Sahil enterprises.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner was arrested on spot nor anything incriminating has been recovered from his conscious possession. He has no concern with the alleged recovered illicit liquor or with the co-accused persons. There is no independent witness of the alleged seizure. The petitioner was arrested in Bibhutipur P.S. Case No. 487 of 2022 and remanded in the present case. Moreover, he is languishing in judicial custody since 20.01.2023



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sarairanjan P.S. Case No. 365 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 Special Judge, Excise II, Samastipur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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