

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18241 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- BIHTA District- Patna

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NIRAJ KUMAR @ NIRAJ KUMAR GUPTA Son of Sri Jagdish Prasad @ Jagdish Prasad Gupta Resident of - House No.- 54/84, Bagan No.- 20, P.S.- Sitaram Dera (Agrico), District - East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Ranjan

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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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), 31, 32(i)(ii)(iii), 36 and 41(i) (ii) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, there has been recovery of 4434.405 liters of IMFL from a Truck, which was being driven by other co-accused.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is neither named in the FIR nor has apprehended on spot. He submitted that the petitioner has no



concern either with the seized vehicle or with the liquor. The place of occurrence does not belongs to the petitioner and no incriminating article has been recovered from the conscious possession of the petitioner. He is languishing in judicial custody since 20.01.2023.

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 Special Excise Judge, Danapur, Patna in connection with Bihta P.S. Case No. 425 of 2022.

(Sunil Kumar Panwar, J)

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