

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20201 of 2023

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

Dorjee Phuntso Khirme Son Of Nima Tsering Khirme Resident Of E 41, Zoo
Road, Ps Chimpu, Itanagar District Papumpare (ARUNACHAL Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 30(a), 31, 32(i), (ii),
(iii), 36 and 41(i) (ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 4434.405
liters of illicit liquor from a Truck bearing Reg. No. MH-14EM-
2321.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. The petitioner is not named in the F.I.R. He has falsely
been implicated in this case. He has no concern with the alleged
recovery of wine or with the vehicle in question. The name of the
petitioner has been transpired in this case on the basis of
confessional statement of co-accused Sunil Bharadwaz before the



police which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The other co-accused namely Kamaljit @ Kamalu @ Kamal and Jitendra have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.11.2022 passed in Cr. Misc. No. 49804 of 2022. The petitioner is languishing in judicial custody since 16.01.2023

Learned APP appearing for the State has 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 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 Court of Special Excise Judge, Danapur in connection with Bihta P.S. Case No. 425 of 2022.

(Sunil Kumar Panwar, J)

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