

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19376 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- CHORAUT District- Sitamarhi

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Lalbabu Rai @ Lalbabu Ray, S/o Sukindra Ray @ Sukhbindra Ray, Resident
Of Village- Chandrasaina Muraliya Ward No.- 9, P.S.- Choraut, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Choraut P.S. Case No. 10 of 2023 dated 18.01.2023 registered
for the offence punishable under Section 30 (a) of Bihar
Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 87 litres of Nepali Saufi wine and the same is stated
to have been recovered from the possession of this petitioner
and according to prosecution's allegation, petitioner was
apprehended with a motorcycle carrying the alleged wine but
the said recovery has wrongly been shown as being made from



the possession of this petitioner and petitioner is completely innocent person and he has fair and clean antecedent and has been languishing in jail since 18.01.2023 and against him the investigation has been completed and the mandatory provisions of search and seizure under Section 100 of Cr.P.C. were not followed by the police while recovery of the alleged wine.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the completion of investigation against the petitioner and his clean antecedent as well as his custody period, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Choraut P.S. Case No. 10 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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