

Arising Out of PS. Case No.-71 Year-2019 Thana- TAJPUR District- Samastipur

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... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

2 17-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with Tajpur P.S. Case No. 71 of 2019 dated 17.03.2019 registered for the offence(s) punishable under Section(s) 30(a), 41(i), (ii) of the 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 135 litres of Indian made foreign liquor and the same is stated to have been recovered from the house of co-accused Abhishek Kumar Thakur and a Tata Sumo Grand vehicle which was found being parked at the gate of the house of the said co-accused and accordingly the said recovery was not made from the conscious possession of this petitioner and



his name was disclosed by the said co-accused Abhishek Kumar Thakur, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.26527 of 2019 and against the petitioner, there is no material except the statement of the said co-accused Abhishek Kumar Thakur, which has no evidentiary value in the eyes of law and the petitioner was neither arrested from the spot nor the recovery of alleged wine was made from his physical or constructive possession and he himself surrendered before the court below. Further submissions are that though against the petitioner, there are criminal antecedents of two cases but they were lodged in the year 2017 and he has got bail in both the said cases and in the present matter, he has been languishing in jail since 06.04.2023

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be



enlarged on bail in connection with Tajpur P.S. Case No. 71 of 2019 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)

Sanjay/-

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