

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30357 of 2023

Arising Out of PS. Case No.-703 Year-2020 Thana- FORBESGANJ District- Araria

VISHAL Son of Nathulal Resident of village - Dhakni Rajpuri, P.S.- Faridpur,
District - Bareilly, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 30(a) and 38(i) of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
3528 liters of illegal foreign liquor from a truck.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has not apprehended on spot
and he has no concern with the wine in question. He submitted
that the petitioner is shown as owner of the truck, however, he
had given the aforesaid truck to one Jalaluddin on 15.05.2019
after endorsing an agreement between the parties stating that the



buyer will be liable for activity of the truck. No incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 02.08.2023 passed in Cr. Misc. No. 46517 of 2023. He is languishing in judicial custody since 16.01.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering 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 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 below in connection with Forbesganj P.S. Case No. 703 of 2020.

(Sunil Kumar Panwar, J)

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