

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36497 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- DELHA District- Gaya

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Lalji Kumar S/O Keshwar Yadav R/O Village- Kharkhura, Bhatbiga, P.S-
Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016 read with (Amendment) Act, 2022.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons.

4. Learned counsel for the petitioner submits that the petitioner is not the apprehended person rather the apprehended person was one Token Kumar who has disclosed the name of the petitioner by way of confession, moreover no incriminating article has been recovered from the possession of the petitioner.

5. Learned counsel for the petitioner further submits

that the petitioner is innocent and has committed no offence and he is having clean antecedent. Counsel submits that a similarly situated person has been granted bail by the Co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 22543 of 2023.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond to the satisfaction of the learned Additional Sessions Judge-cum-Exclusive Special Excise Court No. 1, Gaya in connection with Delha P.S. Case No. 74 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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