

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41634 of 2023

Arising Out of PS. Case No.-35 Year-2021 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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JAGDISH SAH @ JAGDISH KUMAR Son of Banshi Sah R/o - Saiyad
Nagar, ward no. 8, P.S. - Muffasil, Distt. - East Champaran, Bihar - 841503
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Rail
Narkatiyaganj P.S. Case No. 35 of 2021 dated 09.12.2021,
instituted for the offence punishable under Sections 30(A) of
Bihar Liquor and Excise Act, 2016.

3. As per the prosecution case, there is alleged
recovery of 87.75 litres foreign liquor from possession of co-
accused Ram Kumar who was travelling by train no. 12212,
Garib Rath Express. Apprehended co-accused Ram Kumar
disclosed the name of petitioner and others who fled away from
there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he is falsely implicated in this case. It



is further submitted that the name of the petitioner has come in this case only on the basis of confessional statement of another Co-accused Ram Kumar in whose possession the said illicit liquor was recovered. It is further submitted that one similarly situated co-accused namely Krishna Kanu has been granted bail *vide* order dated 14.06.2023 passed by a Co-ordinate bench of this court in Criminal Miscellaneous No. 36399 of 2023. Lastly, it has been submitted that the petitioner is in custody since 23.03.2023 has no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran in Rail Narkatiyaganj P.S. Case No. 35 of 2021.

(Khatim Reza, J)

Sankalp/-

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