

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40140 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BIDUPUR District- Vaishali

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Balram Rai @ Balram Kumar Son of Late Dharmnath Rai, Resident of
Village - Nawanagar, PS- Bidupur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Bidupur
P.S. Case No. 32 of 2023 dated 20.01.2023 registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
189.500 litres of country-made foreign liquor and the same is
stated to have been recovered from a cow-shed situated behind
the house of this petitioner but the petitioner has no concern
with the said place of recovery, rather the same belongs to Ram
Bharosa Rai. Further submissions are that the petitioner was not
arrested at the spot of recovery and there is no independent

witness of the seizure of the alleged foreign liquor and the petitioner has been languishing in jail since 29.05.2023 and against the petitioner there are criminal antecedents of two cases, out of which he has got bail in one case.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the fact that the alleged place of recovery of foreign liquor is stated to be a cow-shed which belongs to another person namely, Ram Bharosa Rai as per the above submission and the recovery of the alleged foreign liquor was made before the police personnel who have been made the witnesses of the alleged seizure, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with **Bidupur P.S. Case No. 32 of 2023.**

(Shailendra Singh, J)

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