

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44051 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- MAJORGANJ District- Sitamarhi

KRISHNANDAN PASWAN SON OF LATE YOGENDRA PASWAN RESI-
DENT OF VILLAGE- KOTHIYA RAI, PS- SUPPI, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 684 liters of Nepali Liquor from the Sumo Victa vehicle by the police and petitioner and one Ramesh both were apprehended on spot and some of the accused persons managed to escape.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that neither anything has been recovered from the conscious possession of the petitioner nor he has any concern either with the seized liquor or with the alleged vehicle from



where the recovery has been made. Only because, he was standing near the place of occurrence, he was arrested by the police. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 44280 of 2023. Moreover, he is languishing in judicial custody since 10.04.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Majorganj P.S. Case No. 99 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Court, Sitamarhi.

(Sunil Kumar Panwar, J)

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