

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 44929 of 2023**

Arising Out of PS. Case No.-387 Year-2023 Thana- FATEHPUR District- Gaya

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Raju Kumar S/O Buttu Yadav R/O Village- Dhanchhu, P.S- Fatehpur, Distt.-  
Gaya.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Ahmad Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      01-08-2023                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period  
  
of four weeks from today.

3. The petitioner seeks bail in connection with  
  
Fatehpur P.S. Case No. 387 of 2023 registered for the offence  
  
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is  
  
in custody since 05.06.2023.

5. The allegation against the petitioner is to be  
  
engaged in illegal trading/manufacturing of illicit liquor, where,  
  
there is recovery of 200 litres of IMFL/country made liquor  
  
from the motorcycle.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovered motorcycle not appears to be connected in any manner with this petitioner, and as such, it can be safely said that recovery of alleged illicit liquor not appears to be made from his conscious physical possession. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clan antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as petitioner is not the owner of the motorcycle, where seizure list also appearing doubtful, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Fatehpur P.S. Case No. 387 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Court No. 1, Gaya/concerned  
Court, subject to the conditions as mentioned under Section  
437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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