

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45516 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Vicky Ray @ Vicky Kumar @ Vikky Kumar Son Of Badlu Ray @ Badalu Ray Resident Of Village/Mohalla- Uttri Dhamaun, Ps- Shahpur Patori Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under section **30(a)** of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 43 liters foreign liquor from Alto Car. The allegation against the petitioner is that he is liner of the vehicle (Alto Car) from which the illicit liquor in question carried.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to ulterior motive. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been



disclosed in this case by the apprehended co-accused, before the police which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The petitioner is languishing in judicial custody since 06.04.2023

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Special Judge (Excise), Samastipur in connection with Shahpur Patori P.S. Case No. 569 of 2022.

(Sunil Kumar Panwar, J)

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