

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48655 of 2023

Arising Out of PS. Case No.-451 Year-2023 Thana- PATNA RAIL P.S. District- Patna

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Badal Kumar Son Of Late Sethi Ram R/O-Yarpur Domkhana, P.S.-
GARDANIBAGH, Distt.-PATNA.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 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 Special
Case No. 4751 of 2023 arising out of Patna Rail P.S. Case No.
451 of 2023 registered for the offence under Sections 147, 149,
332, 333, 353, 427, 504 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016 and
Sections 151, 152 of the Railways Act, 1989.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 04.06.2023.



5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 230.640 litres of IMFL/country made liquor from the place of occurrence.

6. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Nikhil Kumar, in furtherance of no incriminating material recovered/surfaced as to connect petitioner, *prima facie* with the present occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as save and except suspicion arises out of confessional statement of co-accused, nothing incriminating appears to be recovered to connect petitioner *prima facie* with the present recovery of illicit liquor, where petitioner is in custody since 04.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 4751 of 2023 arising out of Patna Rail P.S. Case No. 451 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 Special Judge Excise, Patna/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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