

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51149 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- CHIKSAUR District- Nalanda

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VIVEK KUMAR @ NAKUL YADAV @ NAKKU Son of Ashlok Yadav @
Shlok Yadav Resident of village - Jalalpur Korawan, P.s. - Chiksaura, Distt. -
Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. 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 and Section 25 (1-B) A, 26, 35 of Arms Act.

3. Prosecution case relates to recovery of altogether 10 liters of local country made liquor and one country made loaded katta from a car.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Being a owner of the alleged vehicle he has falsely been implicated in this case by the police. Petitioner



is said to be the vehicle owner in this case and the said vehicle had gone for the rent on that very day. He has no concern with the alleged recovery of liquor and arm. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The petitioner is languishing in judicial custody since 18.04.2023.

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

6. 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 Additional District Judge-II-cum-Special Excise Court, Nalanda at Bihar Sharif in connection with Chiksaura P.S. Case No. 06 of 2022.

(Sunil Kumar Panwar, J)

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