

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55131 of 2023

Arising Out of PS. Case No.-99 Year-2022 Thana- DARIYAPUR District- Saran

Arjun Kumar, aged about 40 years, Gender- Male, S/O Jagdish Ray, resident of Village- Dharmagat, P.S- Dariyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Dariyapur PS Case No.99 of 2022 dated 21.02.2022, instituted for the offence punishable under Section 30, 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that the police during patrolling intercepted a Tempo in which three persons were found sitting. Upon seeing the police party, they started fleeing away. The police upon chase apprehended one person while two persons fled away. The apprehended person disclosed the name of the persons, who fled away. From the Tempo, total 200 litres countrymade liquor was recovered.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case. The petitioner's name has been disclosed by the apprehended driver of the vehicle, namely, Om Prakash Rai, and only on that basis the petitioner has been made accused in this case. Learned counsel further submits that the petitioner has not been arrested at the spot. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that he has no concern with the Tempo. Lastly, it is submitted that the petitioner is in custody since 19.05.2023 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge, 2nd cum 1st Exclusive Special Judge, Excise, Saran at Chapra, in Dariyapur PS Case No.99 of 2022.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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