

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55730 of 2023

Arising Out of PS. Case No.-153 Year-2023 Thana- SOHSARAI District- Nalanda

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BABAR ALI @ MD. BABAR ANSARI @ VAVAR ALI son of Late Abdul
Mahmud Mohalla- Mahua Tola Ps- Sohsarai Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 30(a), 33/41 of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
420 liters of spirit from Bolero vehicle.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has not apprehended on spot.
The name of the petitioner has come into light, on the basis of
confessional statement of co-accused Sarfaraz Alam, which has
got no evidentiary value in the eyes of law. The provision of
Section 100 of the Cr.P.C. has not followed in this case. He



submitted that the petitioner has no concern either with the seized vehicle or with the spirit in question. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has remanded in this case from another case on 13.06.2023 and since then he is languishing in judicial custody.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Court below in connection with Sohsarai P.S. Case No. 153 of 2023.

(Sunil Kumar Panwar, J)

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