

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57783 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- KESARIA District- East Champaran

Raj Kumar Sah @ Chand Son Of Late Surendra Prasad Gupta Resident Of
Village- Jagiraha, Ps- Kesariya, Distt- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-09-2023 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 sections 272 and 273 of the
IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 160.5 litres
of IMFL from the hut of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. He has no concern
with the alleged recovery. Provision of Section 100 CR.P.C. has
not been followed by the police officials while preparing the
seizure list. Neither the petitioner was arrested on spot nor any
incriminating article has been recovered from his conscious



possession. He is languishing in judicial custody since 6.6.2023.

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 Special Judge Exclusive Excise Court No. 2, East Champaran at Motihari in connection with Kesariya PS Case No. 597 of 2022.

(Sunil Kumar Panwar, J)

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