

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57784 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- SIKTI District- Araria

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RAFIQUE @ RAFIQUE ALAM S/O LATE ALIMUDDIN @ AAMIN
SAHEB R/O VILLAGE- SALGURI, P.S- SIKTI, DISTT.- ARARIA
(BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tarun Kumar Shekhar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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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 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 154.5 litres
of Nepali liquor from the cattle house. Co accused Rohit Kumar
Paswan was arrested on spot who disclosed the name of the
petitioner as one of his associates.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery or with the
place of occurrence. The name of the petitioner has been



disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. 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 23.5.2023.

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 Exclusive Spl. Excise Court-2, Araria in connection with Sikti PS Case No. 56 of 2023.

(Sunil Kumar Panwar, J)

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