

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56976 of 2023**

Arising Out of PS. Case No.-168 Year-2023 Thana- SINDHIYA District- Samastipur

Vijay Purbey @ Vijay Kumar Purbey @ Vijay Kumar Purve @ Vijay Purve
S/O Jitan Purve @ Jittan Purbey R/O Village- Sibaiya, Ward No. 09, P.S-
Singhia, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 30-08-2023 Heard Mr. Brajesh Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Singhia P.S. Case No. 168 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise (Amendment) Act, 2022.

3. The police on receipt of an information regarding
trafficking of illicit wine conducted raid in the house of one
Bharat Yadav and, in course of search, 37.125 liters of foreign
liquor was recovered. The apprehended accused Bharat Yadav
disclosed the name of the petitioner as his associate.

4. Learned counsel for the petitioner submits that from



the FIR, it is evident that alleged recovery was made from the house of co-accused Bharat Yadav and save and except the disclosure made by the co-accused, there is no other material suggesting the complicity of the petitioner. He further submits that the materials available on record also suggest that the seizure list has been prepared on 26.06.2023 at 09:30 PM and the FIR has been instituted on 27.06.2023 but, surprisingly, the seizure list also bears the P.S. case number prior to the institution of the instant FIR. He lastly submits that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the alleged recovery made from the house of co-accused Bharat Yadav and barring his disclosure, there is no other material, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Samstipur in connection with Singhia P.S. Case No. 168 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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