

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58473 of 2023

Arising Out of PS. Case No.-157 Year-2021 Thana- HARSIDHI District- East Champaran

Kasim Reza @ Kasif Reza @ Kasim @ Kasish Reza, S/O – Azhar, R/O
Village - Jhadwa, Panchbhidwa, P.S. - Harsidhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Harsiddhi P.S. Case No. 157/2021 registered on 10.05.2021 for the offenses punishable under Sections 272, 273 read with Section 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total 522 liters of foreign liquor have been recovered from the petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. From the seizure list, it transpires that the said recovery has taken place from a graveyard that does not belong to the petitioner. He further submits that the petitioner has not been



apprehended from the place of seizure, rather his name has figured in this case only on the basis of secret informant. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the FIR it appears that nothing has been recovered from the conscious physical possession of the petitioner nor he was apprehended from the place of seizure and his name has come in this case, on the basis of secret informant.

6. In the facts and circumstances, let the above-named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge Court No.01, East Champaran at Motihari in connection with Harsiddhi P.S. Case No.157/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

Ashwini/-

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