

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58132 of 2023

Arising Out of PS. Case No.-738 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Rahul Kumar Son Of Subodh Ray Village Gopinathpur Doghra @
Gopinathpur Dokara, Ps- Saraiya, Dist- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Shailendra Kumar

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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 prayed for regular bail in connection
with Sadar P.S. Case no. 738 of 2023 instituted for the offence
under Section 272, 273, 34 of the IPC and Section 30(a), 41(1)
of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioner along with a
car was apprehended on the spot and from the alleged vehicle
total 259.2 liters foreign liquor of different brands were
recovered.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. He has falsely been implicated in this present case. The petitioner has no concern with the alleged recovery nor vehicle in question belongs to him. No any incriminating article has been recovered from his conscious possession. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner is languishing in judicial custody since 01.08.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioner is directed to deposit a sum of Rs 20,000/- (Twenty Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sadar P.S. Case No. 738 of 2023 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 Court No-1, Muzaffarpur.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs.



20,000/- (Rs. Twenty thousand) by the petitioner in the account
of the concerned DLSA.

(Sunil Kumar Panwar, J)

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