

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60936 of 2023

Arising Out of PS. Case No.-240 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Durgesh Jha @ Durgesh Kumar Mishra S/O Sri Sudhir Jha @ Sudhir Mishra
@ Sudhir Kumar Resident Of Village Gopalpur, Ps- Kamtaul, Dist-
Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Narayan

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case
registered for the offence punishable under section 30(a) of the
Bihar Prohibition and Excise Amendment Act.

3. Prosecution case relates to recovery of 456 litre
nepali liquor from one scorpio vehicle without registration
number and three accused persons managed to escape.

4. 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 vehicle in question. 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 27.4.2023.

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 Special Judge-1 (Excise Act), Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No. 240 of 2023.

(Sunil Kumar Panwar, J)

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