

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60875 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- GORAUL District- Vaishali

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Kunal Singh @ Kunal Kumar S/O Virchandra Singh Village- Chainpur Ps-
Goraul Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 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 Section 30(a), 32(ii), 38(2) of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 480 liters
of IMFL from a truck and a Pulsar motorcycle.

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 case. He has no
concern with the alleged recovery of liquor or with the vehicles in
question. 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. Neither the petitioner was
arrested on spot nor any incriminating article has been recovered



from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The other co-accused namely, Mannu Singh @ Radhanandan Singh has already been enlarged on bail by another coordinate Bench of this Court vide order dated 19.08.2023 passed in Cr. Misc. No.52388 of 2023 which is annexed as Annexure-P3 of this petition. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 12.08.2023.

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 Excise Court No.I-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 253 of 2023.

(Sunil Kumar Panwar, J)

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