

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61166 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Rohit Dubey Son Of Bhalu Dubey Resident Of Village- Salempur, Ps
-ARRAH Muffasil, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Ramesh Chandra

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 regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 95.040 liters of country made liquor from the bike bearing Reg. No. BR03-AF-8567 and the apprehended co-accused disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The name of the petitioner came into light in this case on the basis of confessional statement of other co-accused person before the police which



has got no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession of the petitioner. He has no concern either with the seized liquor or with the vehicle in question. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Arrah Muffasil (Dhobaha O.P.) P.S. Case No. 398 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court-1st, Bhojpur, Ara.

(Sunil Kumar Panwar, J)

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