

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62422 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Brajesh Shah @ Brijesh Shah S/O Late Shivprasad Saha R/O Village- Lakari
Bishunpur, Ps. Phulwaria, Dist. Goaplganj, Bihar-841425

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Yadav

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-09-2023 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 & Excise Act.

3. According to FIR, the prosecution case relates to recovery of 79 liters of illicit liquor from a motorcycle bearing Registration No. UP57H6822 and the petitioner is said to be apprehend on spot with the seized motorcycle.

4. 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. Petitioner has no concern with the alleged recovery or with the motorcycle in question. No any incriminating article



has been recovered from his conscious possession. It is further submitted that the seizure list witness are police official not a single independent witness which violates section 100 of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 29.6.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioner is apprehended on spot with the alleged recovery of illicit liquor.

6. The petitioner is directed to deposit a sum of **Rs 10,000/- (Ten Thousand)** in the District Legal Services Authority of concerned District.

7. 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 released on bail in connection with Kuchaikote P.S. Case No. 329 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 Additional District & Sessions Judge IV-cum-Exclusive Special Excise Court-II, Gopalganj.

8. The bail bonds of the petitioner shall be accepted



by the learned court below on showing the receipt of deposit of
Rs. 10,000/- (Rs. Ten thousand) by the petitioner in the account
of the concerned DLSA.

(Sunil Kumar Panwar, J)

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