

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60949 of 2023**

Arising Out of PS. Case No.-368 Year-2023 Thana- RAJAON District- Banka

BIRBAL DAS SON OF BHAIJU DAS @ BHOJU DAS RESIDENT OF  
MOHANPUR, POLICE STATION - RAJOUN, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

**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) of the Bihar  
Prohibition and Excise Act.

Prosecution case relates to recovery of total 106.875  
liters of illicit foreign liquor from the house of the petitioner.

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. In fact, the  
petitioner under bonafide belief had rented the house to co-  
accused Chandan Kumar that he was engaged in fruit business,  
which was not true. No 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. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 24.07.2023.

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 Additional District and Sessions Judge-V, Banka in connection with Rajoun P.S. Case No. 368 of 2023.

**(Sunil Kumar Panwar, J)**

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