

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62683 of 2023

Arising Out of PS. Case No.-724 Year-2023 Thana- MADHEPURA District- Madhepura

BITTU KUMAR S/O SURENDRA YADAV RESIDENT OF VILLAGE-
KHOPAITI, WARD NO. 12, P.S- MADHEPURA, DISTRICT-
MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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 sections 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 21 bottle
each of 100 ml total 2.1 litres of cough syrup from a thatched
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 got no criminal antecedent. He has no concern
with the alleged recovery. Provision of Section 100 CR.P.C. has
not been followed by the police officials while preparing the



seizure list. The name of the petitioner has been disclosed in this case by the local villagers 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. He is languishing in judicial custody since 26.7.2023.

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 Addl. District and Sessions Judge, V -cum-Special Judge Excise Act-I, Madhepura in connection with Madhepura P.S. Case No. 724 of 2023.

(Sunil Kumar Panwar, J)

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