

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62094 of 2023

Arising Out of PS. Case No.-666 Year-2022 Thana- SAHPUR District- Patna

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Budhan Rai S/O Late Ram Babu Rai R/O Ganghara, P.S- Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Binod Kumar

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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.

The petitioner has prayed for bail in a case registered
for the offence punishable under Section 30(a) and 41 of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 80 liters of
country made liquor from the Dalan 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 only on
suspicion. He has no concern with the alleged recovery of liquor
and the said Dalan comes under the joint family property.
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. Petitioner is languishing in judicial custody since 26.07.2023.

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 Special Excise Judge, Danapur (Patna) in connection with Special Excise Case No. 2400 of 2022 arising out of Shahpur P.S. Case No. 666 of 2022.

(Sunil Kumar Panwar, J)

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