

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62752 of 2023

Arising Out of PS. Case No.-335 Year-2023 Thana- BARBIGHA District- Sheikhpura

Shiv Kumar son of Late Ratan Prasad Village- Nichli Bazar Moti Sales
Chhoti Kachhari Ps-Rajgir Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 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 (Amendment) Act.

Prosecution case relates to recovery of total 90 liters
of I.M.F.L. from a Red Tata Sumo Gold vehicle bearing Reg.
No. BR02W-7157 and driver of the vehicle was apprehended on
the spot who disclosed his name as petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery of liquor.
He is not the owner of the said vehicle. Being driver of the said
vehicle, he has falsely been implicated in this case. 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 07.08.2023.

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 court of Exclusive Special Judge, Excise Judge, Sheikhpura in connection with Barbigha (Keoti O.P.) P.S. Case No. 335 of 2023.

(Sunil Kumar Panwar, J)

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