

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63761 of 2023

Arising Out of PS. Case No.-56 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Saroj Kumar S/O Pitamber Sah Village Amethi, Ps- Nokha,, Dist- Rohtas
(SASARAM)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-10-2023 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 Sections 414, 467, 468, 471/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

Prosecution case relates to recovery of total 486.840 liters of foreign liquor from a Bolero Pickup bearing Registration No. UP-65BT-6584 and driver of the said vehicle along with other co-accused apprehended on the spot, who disclosed the name 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 due to police



mechanism. He has no concern with the alleged recovery of liquor or with the vehicle in question. No consistent material has come against the petitioner to show his complicity in the alleged illegal trading of wine. 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 25.07.2023.

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 Judge Excise-2, Kaimur (Bhabhua) in connection with Durgawati P.S. Case No. 56 of 2021.

(Sunil Kumar Panwar, J)

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