

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65828 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KOTWA District- East Champaran

Sanjay Sarkar S/O Jagdish Sarkar Resident Of Village Dewa Chipp Colony,
Ward No. 24, Siliguri, Ps- Siliguri, Dist- Darjeeling Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-10-2023 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 272, 273, 467, 468, 471 of the Indian Penal Code and Sections 30(a), 32, 36, 41(i) (ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 7150 litres spirit from a gallon kept in four wheeler bearing registration no. RJ14GK9468 and two co-accused (driver and Khalashi) persons were arrested on spot and they disclosed the name of the petitioner as one of the co-accused.

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 or with the place of occurrence. The name of the petitioner has been



disclosed in this case by the apprehended co-accused 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 26.07.2023.

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 Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Kotwa P.S. Case No. 123 of 2023.

(Sunil Kumar Panwar, J)

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