

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63763 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- BASOPATTI District- Madhubani

Kanhaiya Kumar Son Of Late Ajay Sah Resident Of Village- Basopatti
(Chatti), P.S.- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Md. Ataur Rahman

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 272, 273 of the I.P.C.
and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 153 liters of
illicit liquor from three motorcycles and one co-accused
apprehended on the spot who disclosed the name of escaped
person as petitioner and one was unknown.

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. His name has
been transpired in this case on the basis of confessional statement
of apprehended co-accused namely, Jiwan Kamat. He has no
concern with the alleged recovery of liquor or with the vehicles in



question. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The other co-accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 05.07.2023 passed in Cr. Misc. No. 39175 of 2023. Petitioner is languishing in judicial custody since 18.08.2023.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 84 of 2023.

(Sunil Kumar Panwar, J)

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