

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72722 of 2022

Arising Out of PS. Case No.-220 Year-2019 Thana- PAROO District- Muzaffarpur

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ABHAY RAI @ ABHAY KUMAR S/O Late Yogi Rai @ Jogi Rai R/O
Village- Sarmastpur, P.S- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-01-2023 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 and 273 of the
IPC and Section 30, 30 (a) of the Bihar Prohibition and Excise
Act.

Prosecution case relates to recovery of 70.920 litres
of IMFL from dense garden of Shisham foreign liquor, which is
5 KM away from Diara of Gandak river.

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 local chawkidar 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 06.09.2022.

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. II, Muzaffarpur in connection with Paroo P.S. Case No. 220 of 2019.

(Sunil Kumar Panwar, J)

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