

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64759 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- KAJRA District- Lakhisarai

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KAPIL KODA @ KAPILDEV KODA S/o Barsu Koda @ Baiju Koda @
Varsu Koda R/o Village-Pachhiyari Tola, Sri Kisun Korasi, P.S.-Kajra, Dis-
trict-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 30(a)(b)(c),
of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of
60 liters country made liquor from the house of the petitioner
and from house of co-accused illegal liquor was also recovered.

4. 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
present case due to high handedness of the police officials. The
petitioner has no concern with the alleged recovery and he was



also not apprehended from the place of recovery rather place of recovery is joint house of the petitioner. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.07.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kajra P.S. Case No. 67 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-Vth-cum Special Excise Court-II, Lakhisarai.

(Sunil Kumar Panwar, J)

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