

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72373 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- TARARI District- Bhojpur

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ABHIJEET KUMAR S/O Ravi Kant Ram R/O Village- Ward No-5, Khajuri,
Banjari, P.S- Rohtas, District- Rohtas at Sasaram (Bihar), Pin Code- 821303

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Chandra Shekhar Azad

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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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 30(a)/36(i)/41 of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 1119.96 litres
of IMFL from a truck and three accused persons were arrested
on spot and from possession of one of the accused persons
mobile no. 8409384654 was recovered, which belongs to the
petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. He has no concern
with the alleged recovery or with the vehicle in question. The



name of the petitioner has been surfaced in this case only because of recovery of mobile no. 8409384654 from possession of the co-accused but the real fact is that this mobile number was neither issued in his name nor used by him. 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 28.08.2022.

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 Additional Spl. Excise Judge II, Bhojpur, Ara in connection with Tarari P.S. Case No. 96 of 2021.

(Sunil Kumar Panwar, J)

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