

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65108 of 2023

Arising Out of PS. Case No.-406 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Rajan Kumar Son Of Anand Prasad @ Anand Prasad Village- Dumaria, Ps-
Tariya Sujan, Dist- Kushinagar, State- Uttar Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 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 170, 384, 385, 420/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, on getting secret information, police party proceeded towards the place of occurrence where four miscreants with four motorcycles were gathered to hatch a conspiracy. On seeing the police party, miscreants tried to escape, but out of them, petitioner was apprehended on spot and total 125 litres illicit liquor were recovered from all the four motorcycles.

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. Petitioner is owner of Pulsar motorcycle from which only 32 litres of country made liquor was recovered. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. He is languishing in judicial custody since 4.8.2023.

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 **after framing of charge**. 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 District Judge IV-cum-Special Judge, Excise Court No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 406 of 2023.

(Sunil Kumar Panwar, J)

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