

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65152 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAUTHAM District- Khagaria

Awadhesh Kumar Verma S/O Nandkishor Verma R/O Village- Ratarua, Ps.
Sakha, Dist. Deoghar (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-10-2023 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 section 420 IPC and Section 30(a), 32(i)(ii), 41(i) (ii) and 36 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 179.25 litres from two vehicles and six accused persons were arrested on spot. They disclosed that they are indulged in business of illicit liquor and they named the petitioner as one of his associates and his account number was being used in the transaction of money.

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



vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused 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. 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 18.7.2023.

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 Special Judge (Excise-I, Khagaria in connection with Chautham P.S. Case No. 213 of 2022.

(Sunil Kumar Panwar, J)

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