

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70482 of 2022**

Arising Out of PS. Case No.-133 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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SUNIL KUMAR Son of Late Ram Prawesh Yadav Resident of Sakrodha,
Balwapath, P.O- Saidtbad, P.S- Ghosi, Distt- Jahanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar Barnwal, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Excise P.S. Case No.133 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

The allegation is regarding recovery of 177 litres of illicit foreign made liquor from a tempo and the petitioner was arrested from the said tempo.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he



is having a clean antecedent and he is languishing in custody since 29.08.2022. The learned counsel for the petitioner has referred to paragraph 9 of the present petition to submit that the petitioner is not the owner of the tempo in question and was merely a passenger, hence, he cannot be saddled with the liability of the illicit liquor recovered from the said tempo.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that tempo in question does not belong to the petitioner apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Buxar in connection with Excise P.S. Case No.133 of 2022.

(Mohit Kumar Shah, J)

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