

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73039 of 2022

Arising Out of PS. Case No.-349 Year-2022 Thana- SABAUR District- Bhagalpur

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BABUL KUMAR S/O GAJENDRA YADAV Resident of Village- Shreepur
Chakla, P.S.- Madhepura Town, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with Sabour PS case no. 349 of 2022 instituted for the offences punishable under Sections 272, 273, 419, 420 of the Indian Penal Code and Sections 30(a), 32(i)(ii), 41 of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 193.95 liters of illicit liquor from a Maruti Suzuki Baleno car and the petitioner was arrested from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 29.08.2022. The learned counsel for the petitioner



has referred to paragraph no. 7 of the present petition to submit that he is not the owner of the said car and he had taken lift for the purposes of going to his destination, hence, the petitioner is not having any complicity in the matter.

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 parties and taking into account the materials available on record as also considering the fact that the petitioner is not the owner of the car in question and is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Judge, Excise Court no. 2, Bhagalpur in connection with Sabour PS case no. 349 of 2022.

(Mohit Kumar Shah, J)

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