

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70473 of 2023

Arising Out of PS. Case No.-234 Year-2023 Thana- ROSERA District- Samastipur

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Kaushal Kishor Ray @ Kaushal Singh @ Kaushal Ray Son Of Ramanand Rai
@ Namalum Resident Of Village - Dharha, P.S. - Rosera, District -
Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 272, 273, 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30(a), 30(b), 32, 41 and 62 of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 3568.32 liters of illegal foreign liquor from three vehicles and the vehicles were also seized.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner was not apprehended on spot and his name came into light in this case on



the basis of confessional statement of co-accused, Deepak Kumar before the police which has got no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession of the petitioner and also he has no concern with the seized liquor. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 18.09.2023 in Cr. Misc. No. 62107 of 2023. Moreover, the petitioner is languishing in judicial custody since 05.09.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rosera P.S. Case No. 234 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-1, cum Special Judge, Excise-1, Samastipur.

(Sunil Kumar Panwar, J)

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