

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71809 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Dilkush Kumar Son Of Late Fuleshwar Sah Resident Of Kanp Purvi, P.O. -
Kanp, P.S. - Saur Bazar, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-11-2023 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 section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 405 liters of country made liquor from a Bolero Pick Up van.

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. It is further submitted from para-8 of this petition that petitioner has been named in FIR only because he is the owner of the vehicle from where the recovery has been made. Nothing has been recovered from the conscious



possession of the petitioner and also he has no concern with the seized liquor. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 23.08.2023.

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 Jagdishpur By Pass P.S. Case No. 81 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 Special Excise Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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