

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68910 of 2023

Arising Out of PS. Case No.-376 Year-2017 Thana- PATNA CITY CHOWK District- Patna

Upendra Rai Son Of Late Sobhit Rai Resident Of Ward No.65, Muhalla -
Ghagha Gali, P.S. - Chowk, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Chowk P.S. Case no. 376 of 2017 registered under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 38 liters of liquor was recovered from the possession of one Ranjit Sah. It is further stated that Ranjit Sah took the name of this petitioner that the seized liquor belongs to this petitioner and one Arun Rai.

4. It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and concocted. From the FIR itself it is clear that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. The only material against the



petitioner is the statement of the co-accused made before the police. The petitioner is in custody since 14.9.2023.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, no incriminating article having been recovered from the petitioner's possession and his having remained in custody since 14.9.2023, the Court directs the petitioner to be enlarged on bail in connection with Chowk P.S. Case no. 376 of 2017 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City.

(Partha Sarthy, J)

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