

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.732 of 2023**

Arising Out of PS. Case No.-789 Year-2022 Thana- ARARIA District- Araria

MD. FAKRUDDIN @ FAKRUDDIN Son of Alimuddin R/o Village -  
Raghunathpur, P.S.- Raniganj, Distt.- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      27-03-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 41 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 235.395 liters illicit foreign liquor from two different vehicles bearing Registration No. AB11AV-7008 and BR11T-4525.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Petitioner has no concern with the alleged recovery of illicit liquor or with the



seized vehicles. The name of the petitioner has transpired in this case on the basis of confession made by apprehended co-accused namely, Chhotu Sah which has got no evidentiary value in the eye of law. No any incriminating article has been recovered from his conscious or constructive possession. The petitioner is languishing in judicial custody since 18.9.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Araria (R.S.) P.S. Case No. 789 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge Excise-I, Araria.

**(Sunil Kumar Panwar, J)**

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