

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72387 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- NAYAGAON District- Saran

Raushan Kumar @ Kaliya Son Of Chandrashekhar Singh @ Chandeshwar
Kumar @ Chandeshwar Singh R/O Village- Sahdullahpur, P.S.- Ganga
Bridge, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 30(a), 32(i)(iii), 36 and
41(i)(ii) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there has been recovery of 2349.75 liters of illegal IMFL from a
container.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner was not apprehended on spot.
The name of the petitioner has come into light on the basis of
confessional statement of co-accused Rakesh Kumar @ Dhillu,



which has got no evidentiary value in the eyes of law. He submitted that the petitioner has no concern either with the seized vehicle or with the wine in question. No incriminating article has been recovered from the conscious possession of the petitioner. Further, it is submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 24.07.2023 passed in Cr. Misc. No. 41914 of 2023. He is languishing in judicial custody since 27.09.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Nayagaon P.S. Case No. 19 of 2023.

(Sunil Kumar Panwar, J)

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