

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69384 of 2022

Arising Out of PS. Case No.-1097 Year-2022 Thana- BIHTA District- Patna

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AVINASH KUMAR S/O RAVINDRA KUMAR SINGH Resident of village-
Dilawarpur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary
For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 420, 467, 468/34 of
the IPC and Section 30(a), 32, 36 and 41 of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 877.5 litres
from a truck and driver was apprehended on spot who disclosed
the name of the petitioner as of his associate.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery or with the
vehicle in question. The name of the petitioner has been
disclosed in this case by the apprehended co-accused before the



police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 24.10.2022.

Learned APP appearing for the State has 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 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 Special Excise Judge, Danapur in connection with Special Case No. 1877 of 2022 arising out of Bihta P.S. Case No. 1097 of 2022.

(Sunil Kumar Panwar, J)

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