

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72017 of 2023

Arising Out of PS. Case No.-649 Year-2023 Thana- Excise P.S. District- Aurangabad

Dilip Kumar S/O Yugesh Singh R/O Village- Kosdihra Tola, Bhaluwahi, P.S-
Barun, Distt.- Aurangabad (Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Zainul Abedin

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. As per FIR, prosecution case relates to recovery of 16.92 liters foreign made liquor from sacks of the petitioner and he was also apprehended on the spot.

4. 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. The petitioner has no concern with the alleged recovery rather he has been made accused in this case due to



high handedness of the police officials. No any incriminating article has been recovered from conscious possession of the petitioner. During preparation of the seizure list Section 100 of the Cr.P.C. has not been followed. It is further submitted that the petitioner is languishing in judicial custody since 16.08.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Aurangabad Excise P.S. Case No. 649 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 Judge Excise-II, Aurangabad.

(Sunil Kumar Panwar, J)

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