

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74577 of 2023

Arising Out of PS. Case No.-676 Year-2023 Thana- ARA NAWADA District- Bhojpur

RAJU SAH S/O SHAHANAI SAH VILLAGE- BABHNIYAWAN, PS.
JAGDISHPUR, DIST. BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Prosecution case relates to recovery of total 120 liters of country made liquor from 03 plastic bag kept in a auto bearing Registration No. BR-01PJ-8540 which was driven by the petitioner.

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 case due to high handedness of police. The petitioner is auto driver and he was doing his work and a passenger was sitting on



his autho carrying three plastic bag, he has no knowledge that in plastic bag liquor was carried and at the time of vehicle checking passenger was succeeded to flee away. He has no any concern with the alleged recovery of liquor as well as fled away person. No any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner has got no criminal antecedent and languishing in judicial custody since 20.09.2023.

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

6. 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 Exclusive Special Excise Court 1st, Bhojpur, Ara in connection with Ara Nawada P.S. Case No.676 of 2023.

(Sunil Kumar Panwar, J)

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