

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.320 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- OBRA District- Aurangabad

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Mukesh Vishwakarma Son Of Late Gupteshwar Vishwakarma R/V- Kara P.S-
Obra, Dist- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-03-2023 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
30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 202.5
litres of illicit liquor from the Veranda of house of the
petitioner.

It is submitted by learned counsel for the
petitioner that petitioner was not apprehended from the
spot. Nothing has been recovered from his conscious
possession. The house, from where the illicit liquor has



been seized, belongs to joint family possession. There is no independence witness of the alleged seizure, which clearly shows that procedure of Section 100 of Cr.P.C. has not been followed by the police party. Petitioner is languishing in judicial custody since 24.11.2022.

In contra, learned A.P.P. vehemently opposed the prayer for bail of the petitioner and submitted that the house from where the illicit liquor has been seized belongs to petitioner.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are 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 Judge, Excise, 2nd, Aurangabad in connection with Obra P.S. Case No. 25 of 2022.

The petitioner is directed to deposit a sum of Rs.



20,000/- (Rupees Twenty Thousands) in the concerned District Legal Services Authority.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 20,000/- (Rupees Twenty Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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