

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76377 of 2023

Arising Out of PS. Case No.-352 Year-2023 Thana- BAISI District- Purnia

Himalay Kumar Son Of Ramdev Thakur Resident Of Village - Manikpur,
P.S.- Simraha, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-11-2023 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 272, 273 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 22.260 litres of IMFL from a motorcycle bearing Reg. No. BR-11W-9715.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in the present case. Nothing



incriminating has been recovered from the conscious possession of the petitioner. There is no independent witness of the alleged seizure. Moreover, he is languishing in judicial custody since 28.08.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P. appearing on behalf of State vehemently opposed the prayer of bail and submitted that petitioner was apprehended on spot.

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 Exclusive Special Judge (Excise 1), Purnea in connection with Baisi P.S. Case No. 352 of 2023.

The petitioner is directed to deposit a sum of



Rs. 5,000/-(Rupees Five 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. 5,000/-(Rupees Five Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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